

---

# CORINNA TOWNSHIP

---

## BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR  
**September 8, 2015**



CORINNA TOWNSHIP  
AGENDA  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
September 8, 2015  
7:00 PM

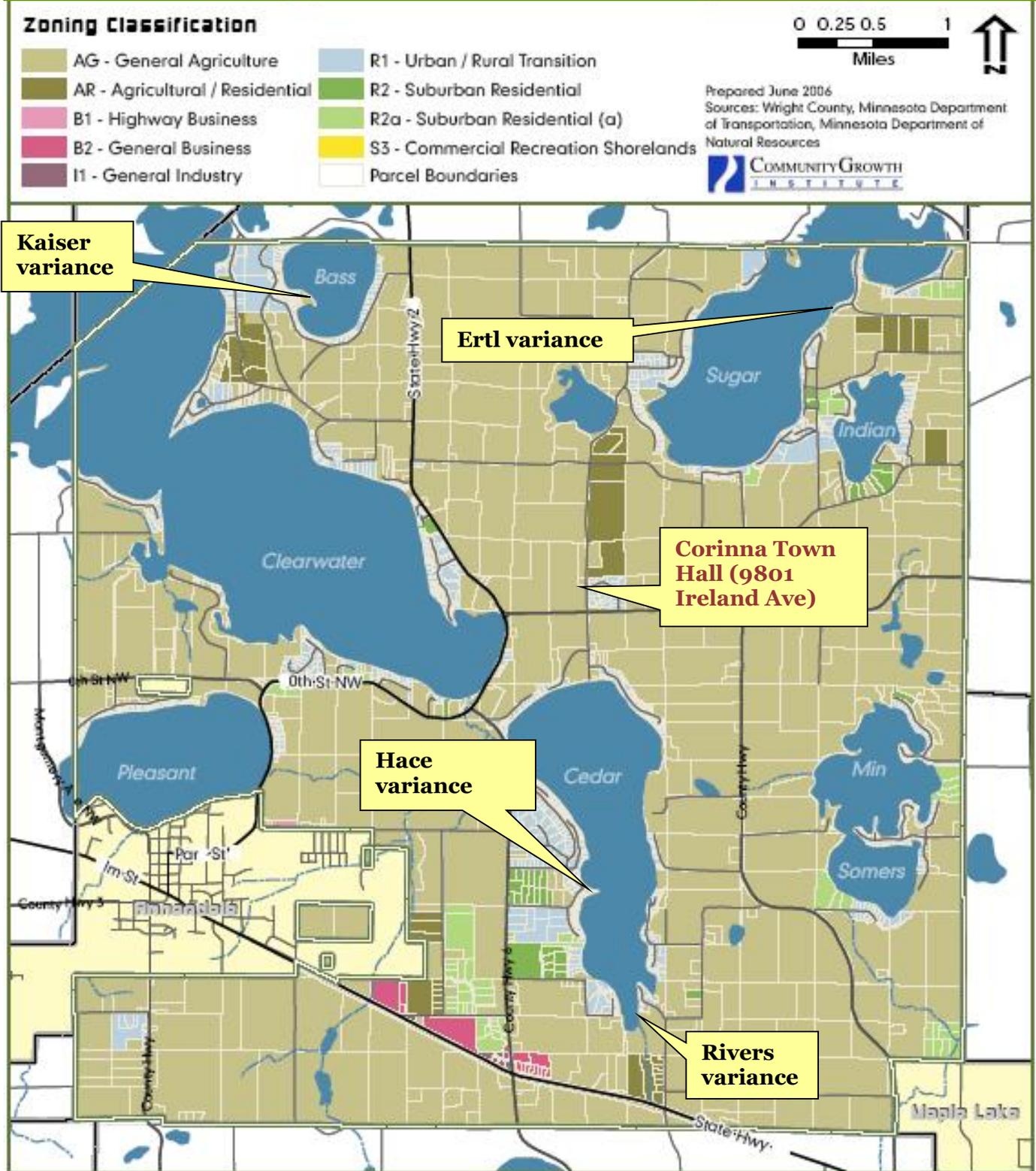
1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
  - a. (Tabled from August meeting) Variance to replace an existing dwelling with a larger 32' x 48' dwelling approximately 52.4 ft from Cedar Lake (min. 75 ft required) and 50 feet from the centerline of a township road (min. 65 ft required). Variance to allow for 16.2% building coverage (max. 15% allowed). Variance to allow for an enlarged dwelling to be served by a holding tank.
    - i. Applicant: Jeffrey and Leanna Rivers
    - ii. Property address: 6799 Ingram Ave NW
    - iii. Sec/Twp/Range: 34-121-27
    - iv. Parcel number(s): 206000341101
  - b. (Tabled from August meeting) Variance to replace an existing one-story house with a two-story house on the same footprint approximately 11 feet from Sugar Lake (min. 75 ft required) and 0-1 feet from the side property line (min. 15 ft required). New attached garage to be 0-1 feet from the side property line (min. 15 ft required) and 0-2 feet from the septic tank (min. 10 ft required). New attached screen porch to be approximately 54 feet from Sugar Lake (min. 75 ft required). Building coverage to be 20.1% (max. 15% allowed). Total impervious coverage to be 31.3% (max. 25% allowed). Lowest floor of new home to be less than four (4) feet above the highest known water level.
    - i. Applicant: Mark Ertl and Martha Hurr Ertl
    - ii. Property address: 11543 Gulden Ave NW
    - iii. Sec/Twp/Range: 1-121-27
    - iv. Parcel number(s): 206085000310
  - c. (Tabled from August meeting) Variance to replace the existing 591 sq ft home with a 1,549 sq ft home approx. 31 ft from Bass Lake (min. 75 ft required) and 35 ft from the centerline of a township road (min. 65 ft required). Variance to construct a septic tank approx. 30 ft from Bass Lake (lagoon side - min. 50 ft required), a septic drainfield approx. 37.5 ft from Bass Lake (both sides - min. 50 ft required) and both within the required road setback.
    - i. Applicant: Jeanne Kaiser
    - ii. Property address: 10608 117<sup>th</sup> Street NW, Annandale
    - iii. Sec/Twp/Range: 5-121-27

- d. Variance to enlarge an existing dwelling currently located approx. 66.9 ft from Cedar Lake (min. 75 ft required). Expansion will replace an existing 165 sq ft portion of a one-story dwelling with a 484 sq ft addition to include a lofted 2<sup>nd</sup> story. The addition itself will be located outside of the required 75 ft setback.
  - i. Applicant: Brian and Elizabeth Hace
  - ii. Property address: 8503 76<sup>th</sup> Street NW, Annandale
  - iii. Sec/Twp/Range: 27-121-27
  - iv. Parcel number(s): 206027000120
  
- 5. Approve Previous Meeting Minutes
  - a. August 11, 2015
  
- 6. Zoning Administrator's Report
  - a. Permits
  - b. Correspondence
  - c. Enforcement Actions
  - d. Findings of Fact - Previous PC/BOA Decisions
  
- 7. Other Business
  - a. Discussion - Erosion protection requirements and enforcement
  - b. Review of previously granted variance requests (if time allows)
  
- 8. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

# Corinna Township

## Location Map for September 8, 2015 Public Hearing(s)



The parcels identified on this map are subject to public hearing.  
The public hearing will be held at Corinna Town Hall  
at 7:00 pm.

## STAFF REPORT

**Application:** Variance to replace an existing dwelling with a larger ~~32'-27'7" x 48'-38'4"~~ dwelling approximately ~~52.4 61~~ ft from Cedar Lake (min. 75 ft required). ~~Install a septic drainfield to be 4 feet and 5 feet from two property lines (min. 10 ft required). and 50 feet from the centerline of a township road (min. 65 ft required). Variance to allow for 16.2% building coverage (max. 15% allowed). Variance to allow for an enlarged dwelling to be served by a holding tank.~~

**Applicant:** Jeffrey and Leanna Rivers

**Agenda Item:** 4(a)

---

### Background Information:

- **Proposal:** *This application was tabled at the August 11, 2015 meeting so that the applicant could determine whether a septic drainfield could be accommodated on the site and to develop new plans that would ensure compliance with the 15% building coverage limit. The applicant has submitted revised plans that brings building coverage down to 11.8% as well as indicating that a drainfield can be installed to serve the proposed home. The revised plans would also increase the lake setback from about 52 feet to about 61 feet and the road centerline setback from about 50 feet to about ~~65-70~~ feet or more (min. 65 ft required).*

The applicants are proposing to replace an existing 510 sq ft manufactured house (approx. 10' x 51'), 6' x 8' and 4' x 4' open decks, 8' x 14' shed/playhouse and 8' x 10' shed with a ~~1,424-1,000~~ sq ft one-story house, ~~a 10' x 12' utility shed and a 14' x 14' utility shed. 8' x 14' covered porch and 16' x 16' portable utility shed. A 12' x 16' patio would also be added to the lake side of the proposed home (patios do not need to meet setbacks if they meet the definition of patio).~~

The proposed home would be located about ~~2 feet close to~~ 6-7 feet further from the lake than the closest point of the existing manufactured home, but significantly more of the proposed house would be within the lake setback than of the existing manufactured home so as to square the proposed home with the lot lines. The proposed ~~16' x 16'~~ 14' x 14' shed would be considered an allowable water-oriented accessory structure (min. 10 ft lake setback) so long as the structure is "used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment." ~~If not meeting this requirement, it would need to be reduced in size slightly to no more than 250 sq ft. (proposed is 256 sq ft).~~

The proposed dwelling would meet side yard and road setbacks, but not the lake-~~or road~~ setbacks. The proposal would ~~also exceed~~ meet the allowable building coverage of 15% (~~16.2~~ 11.8% proposed).

A holding tank was installed in 2014 to serve the existing dwelling (no records existed indicating that any system was in place prior to then). The applicant ~~is proposing that the holding tank continue to be used for the new, larger home. has worked with a sewer designer to identify a location for a septic drainfield to be added to the tank.~~

- **Location:**
  - Property address: 6799 Ingram Ave NW
  - Sec/Twp/Range: 34-121-27
  - Parcel number(s): 206000341101
- **Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Cedar Lake (General Development lake)
- **Lot size:** Approx. 11,166 sq ft (0.26 acres) according to provided survey
  - Existing Impervious Coverage: (does not including any parking area)
    - Buildings: About 820 sq ft (7.3%)
    - Total: About ~~820~~1,066 sq ft (~~7.3~~ 9.5%)
  - Proposed Impervious Coverage: (does not include any parking area)
    - Buildings: About ~~1,806~~1,316 sq ft (~~16.2~~ 11.8%)
    - Total: About ~~1,806~~ 2,208 sq ft (~~16.2~~ 19.8%)
- **Septic System Status:** The property is served by an existing holding tank that was installed in 2014. A preliminary site plan for a new drainfield has been submitted.
- **Natural Features:**
  - Floodplain: The existing and proposed structures are not within an identified floodplain. The ordinance, however, requires that the lowest floor of a dwelling be constructed at least four (4) feet above the highest known water level. That would require an elevation of 1003.3 for the lowest floor. The proposed lowest floor would be at 1003.5.
  - Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes. It is relatively flat.
  - Wetlands: There do not appear to be any wetlands that would impact this proposal.
- **Permit History:**
  - 1940 - apparent date manufactured home was placed on lot (from Assessor's records)
  - 2014 - holding tank

---

**Applicable Statutes/Ordinances:**

**Minnesota Statutes**

**462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.**

**Subd. 6. Appeals and adjustments.**

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section [216C.06, subdivision 14](#), when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

### **Corinna Township/Wright County Regulations**

#### **502. APPEALS AND BOARD OF ADJUSTMENT**

##### **502.4 Findings**

- (1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant's situation.
  - (a) The granting of the variance will be in harmony with the County Land Use Plan.
  - (b) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
  - (c) The plight of the owner is due to circumstances unique to the

- property not created by the owner.
- (d) The proposal does not alter the essential character of the locality.
  - (e) The practical difficulty cannot be alleviated by a method other than a variance; and.
  - (f) The granting of the variance will not adversely affect the environmental quality of the area.

The Board of Adjustment may grant a variance if it finds that all of the above factors have been established. The Board of Adjustment must not approve a variance request unless the applicant proves all of the above factors and established that there are practical difficulties in complying with official controls. The burden of proof of these matters rests completely on the applicant.

#### 403. LOT COVERAGE

Not more than fifteen (15) percent of a lot may be covered by buildings (including covered porches or other roofed structures) and not more than twenty-five (25) percent of lot may be covered by impervious surfaces, including all structures, decks and pavement areas except as provided in Section 608, 609, and 610.

#### 404. LOTS OF RECORD

Lots of record in the office of the County Recorder prior to the effective date of this Ordinance may be allowed as residential building sites provided:

- (2) They have at least 20,000 square feet of area.

Lots smaller than 20,000 square feet may be used as dwelling sites if the owner can prove that adequate sanitary facilities can be provided. Said sanitary facilities must be located on the same lot of record as the dwelling, or on adjacent land which is legally available to the owner. Extraordinary alteration of the lot through land filling or excavation shall not constitute proof of an adequate site for sanitary facilities.

The Board of Adjustment shall decide if lots smaller than 20,000 square feet may be used for dwelling sites in accord with Section 502.2. The expansion of the floor area of nonconforming residential uses on lots smaller than 20,000 square feet shall also be reviewed by the Board of Adjustment. Such expansion may be denied or limited by the Board when there is limited space for sewage treatment and/or no alternative sewage treatment site on the lot. **The Board of Adjustment may note in its review that a nonconforming residential use should be used for seasonal use only, if adequate sanitary facilities for year-round occupancy cannot be provided. Holding tanks need not be considered as adequate sanitary facilities for year-round use.** In no case shall the expansion of a nonconforming residential use exceed 50% of the assessed value of the original structure if a holding tank is the only available method for sewage treatment.

In determining if adequate sanitary facilities can be provided, the Board of Adjustment shall require that all standards in Section 716. Sewage Treatment and Disposal Standards be shown to be met. Due to the small lot size, and in areas where community water and sewer systems are not planned to be installed, the Board of Adjustment may require that proposals include a second location for a sewage treatment system. Proposals which can provide for only one site, and require a mound system or other alternative sewage treatment system shall not be considered as adequate sanitary facilities on lots which are predominantly low (less than 6 feet) in elevation above the Ordinary High Water Mark or water table. The total square footage of any proposed residence shall be limited by the Board on any lot where there is no alternative sewage treatment site available.

605. URBAN/RURAL TRANSITIONAL R-1

605.5 Performance Standards

(3) Side Yard Regulations:

There shall be a minimum side yard of fifteen (15) feet for principal uses (including attached decks or garages) and ten (10) feet for accessory uses unless the building is housing livestock, then the setback is 100 feet for livestock buildings.

612. SHORELAND ZONING REGULATIONS

612.5 Shoreland Performance Standards

(1) General Performance Standard for Lakes

(a) General Development Minimum Standards:

Structure setback from OWHL	75 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level (livable structures only)	4 ft.
Water Oriented Accessory Structure setback from OWHL	10 ft.

612. SHORELAND ZONING REGULATIONS

**612.5 Shoreland Performance Standards**

(3) Design Criteria for Certain Structures

(d) Water-oriented Accessory Structures and facilities. All accessory structures and facilities, except those that are water-oriented, must meet or exceed structure setback standards. If allowed by water classification, each residential lot may have one water-oriented accessory structure or

facility located closer to public waters than the structure setback if all of the following standards are met:

- (1) the structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point;
- (2) the setback of the structure or facility from the ordinary high water level must be at least ten feet;
- (3) the structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, or other means assuming summer, leaf-on conditions;
- (4) the roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
- (5) the structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and
- (6) for general development water bodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

## 716. SEWAGE AND WASTEWATER TREATMENT AND DISPOSAL STANDARDS

### 716.2 General Provisions

#### (12) Holding Tanks

- (a) Holding tanks shall not be used as a sanitary system for a new residential dwelling. For conforming lots and structures, a holding tank may be used for expansions, alterations, additions, and improvements to existing dwellings so long as it does not exceed fifty (50) percent of the value of the existing structure as indicated in the records of the County Assessor, or fifty (50) percent of the footprint, whichever is more restrictive. **Holding tanks may also be used for the exact replacement of an existing dwelling where no expansion in livable space occurs.**
- (b) Holding tanks shall only be used as a corrective action for sewage disposal for pre-existing uses where a full treatment system cannot be installed.
- (c) Undeveloped lots of record on which a holding tank is the only practical means of sewage disposal are unsuitable for residential use.

- (d) Holding tanks shall not be installed on undeveloped lots of record for recreational uses unless the lot has been found to be suitable for a dwelling and can support a full septic system.
- (e) Holding tanks must have an alarm device for the prevention of overflow.
- (f) An owner must have a current pumping contract signed by the owner and a licensed maintenance business. Records shall be kept to validate required pumping.
- (g) A septic tank that is converted to a holding tank must be pumped and certified.

716.3 Site Evaluation and Design Requirements

**Table 3  
Minimum Setback Distances (Feet)**

	<b>Sewage or Holding Tank</b>	<b>Soil Treatment or Absorption Area</b>	<b>Building Sewer or Supply Pipes</b>
Water Supply Wells* (50 feet of continuous casing or encountering 10 feet of impervious material)	50	50	50**
Water Supply Wells* (less than 50 feet of continuous casing)	50	100	50**
Buried water suction pipe*	50	50	50**
Buried pipe distributing water under pressure*	10	10	10
Buildings***	10	20	-
Property Lines****	10	10	-
Subsurface drainage systems such as field tile lines	50	50	-
Surface drainage systems such as open ditches	30	30	-
The ordinary high water mark of the following types of lakes:			
Natural Environmental Lakes and Transitional River Segments (North Fork of the Crow)	150	150	-
Recreational Development Lakes, Mississippi River, Agricultural Rivers and Tributaries as defined in Section 612.4	75	75	-
General Development Lakes	50	50	-
All public water wetlands as defined by Minnesota Statutes, Section 103G.005, Subd. 15a or successor statute	50	50	-

- \* Setbacks from buried water pipes and water supply well as governed by Minnesota Rules, Chapters 4716 and 4725, respectively.
- \*\* The setback can be reduced from 50 to 20 feet if the building sewer or supply pipe is air tested by holding 5 pounds of air pressure for 15 minutes.
- \*\*\* For structures other than buildings these setbacks may be reduced if necessary due to site conditions, but in no case shall any part of the individual sewage treatment system be located under or within the structure. For this provision to be employed there shall not be interior space below the structure. For the new construction of a structure without interior space below the structure no part of the absorption area shall encroach closer than 10 feet.
- \*\*\*\* The setback from the treatment area to the platted road may be reduced with written approval from the road authority. The Board of Adjustment shall review variance requests, including those from common property lines, per 502 Appeals and Board of Adjustment in the Wright County Zoning Ordinance.

---

**Findings of Fact:** The following findings of fact are presented by Staff for consideration by the Board of Adjustment:

1. **Will the granting of the variance be in harmony with the general purposes and intent of the Corinna Township Land Use (Zoning) and/or Subdivision Ordinance?**

**Needs discussion (lake setback):** The spirit and intent of the ordinance (lake setback), according to the DNRs SONAR statement in 1989, is:

“In general, structure setbacks are needed to provide an adequate distance between the development of a shoreland area and the adjacent waterbody or near blufftops to control the resource damaging effects of non-point source pollution. Soil erosion and subsequent sedimentation in water bodies and the loading of nutrients, toxics and other pollutants to the water body from shoreland area surface water runoff are examples of non-point source pollution.”

The proposed setback for the house would be reasonably consistent with the intent of the ordinance in that there are limited options on the lot given its small size and the need to meet both lake and road setbacks as well as setbacks from the proposed sewer system. The applicant has moved the proposed house back further than the original proposal – to 61 feet. Moving the house further back would place it closer to the septic system than is required.

**Yes (septic setback to property lines):** The spirit and intent of the ordinance (side yard setback) for septic systems, according to the Statement of Need and Reasonableness prepared for the 1996 Rule Changes, states as follows:

“The property line setback is placed in the rule to highlight to landowners that they must consider their neighbors during placement of their ISTS. It is reasonable to require documentation for property line setbacks at the state level to assure that affected parties are privy to the information and accept the infringement to their property.”

Given the limitations of the site, the proposed location for the septic system appears to be the only place for a septic drainfield to be located. Given that the soil covering the drainfield would run right up to the neighboring property line, care should be taken to manage stormwater properly. However, it does appear tha the normal drainage for water running off the proposed drainfield would be to come immediately back on to the applicant’s property and drain toward the lake.

2. **Will the granting of the variance be consistent with the Corinna Township Comprehensive Plan?**

**Needs discussion:** The Comprehensive Plan states the following as strategies to “protect, preserve, and enhance lake water quality”:

- Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
  - Comment: If the additions are allowed, particularly the screen porch on the north side of the proposed dwelling, a stormwater plan to ensure protection of the lake and to manage stormwater in general is essential.
- Seek ways to ensure that new development, landscaping, or other alterations on lakeshore properties preserve and/or provide for the planting of native trees and shoreline vegetation.
  - Comment: The application would appear to require the removal of one or more mature trees.
- Require the use of best management practices as outlined by the Minnesota DNR, University of Minnesota Extension, or other appropriate agencies during the development and re-development of all property in the Township to prevent erosion and sedimentation that eventually reaches area lakes and wetlands through ditches, direct runoff, or other means.
  - Comment: See comments above.
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
  - Comment: It does not appear that any significant grading will be necessary to construct the proposed house if it is done in the location of the current house. Fill will likely be needed to raise the foundation to the required elevation above the highest known water level of the lake. The area of fill would be close to the lake and proper erosion and sediment control measures would be essential to protect the lake until the area is stabilized.

**3. Is the proposed use of the property reasonable?**

**Needs discussion (all requested variances).** The desire to have a house and some additional storage as proposed is reasonable in that the existing dwelling is very small. The applicant has reduced the size of the proposed home from their October application by about 1/3 to 1,000 sq ft (still about twice the size of the previously existing house, but not large as compared to nearby homes). The ability to put in a drainfield makes the larger house more reasonable.

**4. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

**Yes.** The need for the variances is due largely to the location of the existing house (built in 1940) and the small size of the lot. The depth to groundwater and suitability (or lack thereof) for a sewer drainfield at various locations on the property is also a consideration out of the control of the landowner.

5. **Will the variance, if granted, alter the essential character of the locality?**

**Needs discussion.** While there are other homes in the immediate area that are similar in size to the proposed dwelling, the lot on which this home would sit is smaller and lower in elevation than the other lots/homes. A larger home would not generally “stick out” among the other homes in the area, although it would certainly change the look of the applicants lot both from the lake and from the road.

6. **Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?**

**No.** The need for the variance is due to other factors mentioned in #4 above.

7. **Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?**

**Needs discussion:** It appears the applicant could shift the home further back in the lot to increase the lake setback (even beyond what they have already proposed in their revised plans – but this would create the need for variances for the required setback between structures and septic system components.

8. **Will the granting of the variance adversely affect the environmental quality of the area?**

**Needs discussion.** The proposal would place more building coverage in close proximity to the lake and options for treating stormwater before entering the lake appear limited due to a high water table. Still, there are some options for water treatment (e.g. rain barrels and grading of the land) to allow for as much infiltration as possible before entering the lake.

---

**Board of Adjustment Direction:** The Board of Adjustment may approve the variance request, deny the request(s), or table the request(s) if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

---

**Staff Recommendation:** Based on the findings of fact noted above, Staff recommends approval of the requested variances as presented in their revised plan, which eliminates the need for several previously requested variances.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval:

1. That the applicant provides a full septic system design which has been approved by the Township’s septic inspectors as adequately meeting state requirements, obtains the required permits and installs the drainfield prior to receiving a Certificate of Occupancy.
2. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) and

the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.

3. The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow adequate time for infiltration or other treatment of rainwater from the lot prior to it flowing into the lake. These may include directing rain gutters to appropriate areas, rain barrels, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within a reasonable time period after construction is completed and maintained indefinitely.

Application # <u>V15-014</u>	Date Application Rec'd <u>7/16/15</u> (for office use only)	Fee Collected \$ <u>400<sup>00</sup></u>
------------------------------	--	--

**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant: Rivers, Jeffrey & Leanna  
 Property Address: 6799 Ingram Ave NW  
 Mailing Address (if different): 6913 Hoyt Ave NW  
 City: Maple Lake State: MN Zip: 55358  
 Phone (home/work): 320-963-3434 Phone (cell/other): 612-718-0924  
 E-mail (optional): rivs@windstream.net

**Applicant is:** Title Holder of Property (if other than applicant)

Legal Owner  Name: \_\_\_\_\_  
 Contract Buyer  Address: \_\_\_\_\_  
 Option Holder  City, State, Zip: \_\_\_\_\_  
 Agent   
 Other  Please specify: \_\_\_\_\_

Property ID #: 206-000-341101 Lake Name Cedar  
 (12 digit # on tax statement) (if applicable)

Legal Description: Survey completed 6/29/15 is attached to this request.  
 (attach if necessary)

Signature of Legal Owner, authorizing application (required):   
 (By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): \_\_\_\_\_  
 (By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

What type of variance are you requesting (check as many as apply)?

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> 1 per 40 Division              | <input type="checkbox"/> Road Setback                         | <input type="checkbox"/> Building/Impervious Coverage          |
| <input type="checkbox"/> Lot Line Adjustment            | <input checked="" type="checkbox"/> Lake or River Setback     | <input type="checkbox"/> Height of Structure                   |
| <input type="checkbox"/> Undersized Lot                 | <input checked="" type="checkbox"/> Side or Rear Line Setback | <input type="checkbox"/> Septic System Setback                 |
| <input type="checkbox"/> Appeal of Staff Interpretation | <input type="checkbox"/> Bluff Setback                        | <input checked="" type="checkbox"/> Other <u> Holding Tank</u> |

Please read the variance application in its entirety before submitting the application. See the attached schedule of public hearings for relevant application deadlines. The full land use ordinance is available at the Town Hall and online at [www.hometownplanning.com/corinna-township.html](http://www.hometownplanning.com/corinna-township.html).

**NOTE: Incomplete applications, as determined by the Zoning Administrator, will not be accepted or scheduled for a hearing. It is recommended that you work with the Zoning Administrator well before the application deadline to ensure that you have all required information so as to avoid delays in the hearing of your application.**

Please complete all of the following questions:

1. What are you proposing for the property? State nature of request in detail:

Replacement of old mobile home trailer dwelling which is in poor mechanical and visual condition. Construction will be a new manufactured home on concrete piers.

2. Describe why you believe the granting of the variance request would be in harmony with the general purposes and intent of the Corinna Township Land Use and/or Subdivision Ordinance (available at [www.hometownplanning.com/corinna-township.html](http://www.hometownplanning.com/corinna-township.html)).

The variance is necessary to enjoy similar rights and land use privileges similar to other owners in the area. The essential character of the area will not be altered.

3. Describe why you believe the granting of the variance would be consistent with the Corinna Township Comprehensive Plan (Plan available at [www.hometownplanning.com/corinna-township.html](http://www.hometownplanning.com/corinna-township.html)).

We can see no conflicts with the comprehensive plan; this site will remain residential in nature. The site is currently blighted with a poor and out of repair structure and the appearance to the area will be improved.

4. Describe why you feel that your proposal is a reasonable use of the property.

The property will remain residential and the orientation of the new home on the property will improve the set back distance to the lot lines of neighboring properties. While a variance is necessary for front and back setbacks; total lot coverage will be considerably less than other established properties on Cedar Lake. +

5. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant.

Lot size and topography are a factor. Upon purchase in 2014, the out-of-specification sewer system (none) was updated to a new 1,500 gallon holding tank to accommodate expansion.

6. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties.

Similar to question #4: The property will remain residential and the area character will be improved by providing a "past due" replacement of a blighted structure.

7. Describe why it is not feasible for your project to meet the minimum requirements of the ordinance. What options did you explore that would minimize the variance necessary and why did you determine these were not feasible alternatives?

The front to back dimension is rather short. We reviewed the ordinances and observed other area properties to determine a reasonable solution for balance of land area, storage and living utility.

8. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect?

The new layout will have some more hard surface cover than before. The condition is being mitigated by selecting a design which includes and integrated deck/patio which will not require future construction for this purpose.

9. **Flood Insurance Notice:** If your variance request involves a request to construct a structure below the base flood level, you are hereby notified that this will result in an increased premium rate for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage. Such construction below the base or regional flood level increases risks to life and property.

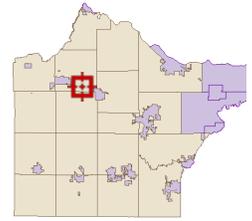
***\*If you are requesting to construct a structure below the base flood level, please initial here that you have read and understand the above notice:*** \_\_\_\_\_

10. Please include any other comments pertinent to this request.

The shed depicted on the attached site plan/survey was selected to determine a maximum size case scenario and create a baseline calculation. If needed, some compromise is available in this area. We welcome any questions.



**Overview**

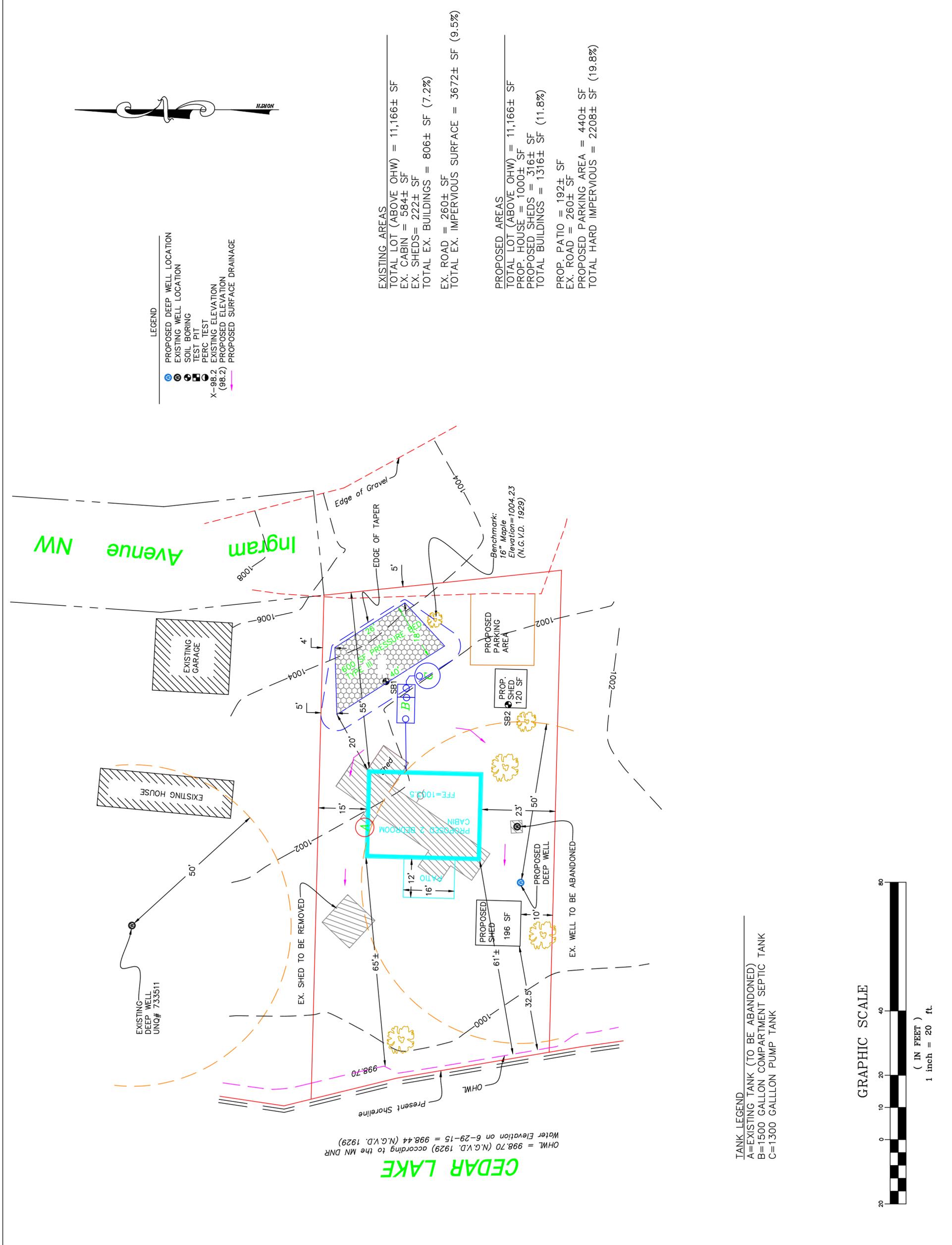


**Legend**

- Roads**
- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCCL
- Highways**
- Interstate
- State Hwy
- US Hwy
- City/Township Limits**
- c
- t
- Parcels
- Water
- 2' Contours**
- 842; 844; 846; 848;
- 852; 854; 856; 858;
- 862; 864; 866; 868;
- 872; 874; 876; 878;
- 882; 884; 886; 888;
- 892; 894; 896; 898;
- 902; 904; 906; 908;
- 912; 914; 916; 918;
- 922; 924; 926; 928;
- 932; 934; 936; 938;
- 942; 944; 946; 948;
- 952; 954; 956; 958;
- 962; 964; 966; 968;
- 972; 974; 976; 978;
- 982; 984; 986; 988;
- 992; 994; 996; 998;
- 1002; 1004; 1006;
- 1008; 1012; 1014;
- 1016; 1018; 1022;
- 1024; 1026; 1028;
- 1032; 1034; 1036;
- 1038; 1042; 1044;
- 1046; 1048; 1052;
- 1054; 1056; 1058;
- 1062; 1064; 1066;
- 1068; 1072; 1074;
- 1076; 1078; 1082;







**MILLER'S SEWAGE TREATMENT SOLUTIONS**  
 A division of WRM Services Inc.  
 9075 155th Street Kimball, MN 55353  
 (320) 398-2705 cell (320) 980-1737

**PROPERTY LOCATION**  
 Part of Gov't Lot 1, Sec. 34, Township  
 121, Range 27, Wright County,  
 Minnesota.  
 pl#206-000-341101

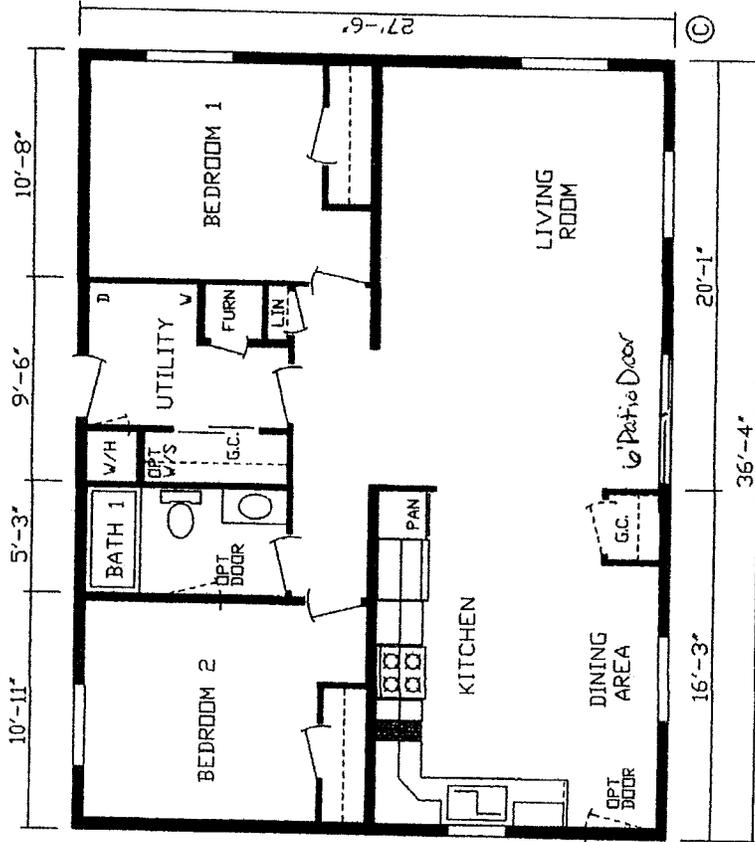
**Septic System Site Plan**

DATE	JOB NO.	SCALE
8/26/15	2015-313	1-20

PREPARED FOR:  
**Jeff Rivers**

I hereby certify that this site plan was prepared by me or under my direct supervision.  
*Bernie Miller* 8/26/15  
 Bernie Miller Advanced Designer Lic. # 1921

160020

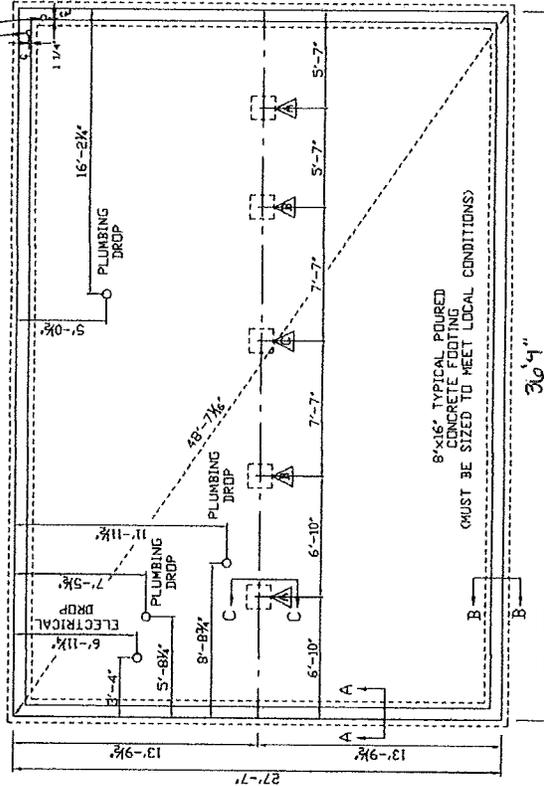


P.O. Box 8  
 61430 US Hwy 12  
 Litchfield, MN 55355

MODEL 4028 2B BA RK UTL	
SCALE: 3/16"=1'-0"	DATE: 3/29/12
DRAWN BY: JMD	
AKRON OR LAKEHOME	
TECHNICAL DRAWING BY: FRIENDSHIP HOMES OF MINN. INC. COMPUTER AIDED SYSTEM	
DRAWING NUMBER: 160020	

REFER TO MODULAR SYSTEMS  
FOUNDATION DETAILS.  
PAGES 1 OF 4 THROUGH 4 OF 4

1/2" Ø ANCHOR BOLT 8" INTO CONCRETE OR  
SIMPSON "MAS" STILL PLATE ANCHOR INTO CONCRETE  
NOT MORE THAN 12" FROM CORNER



POST SIZE	PLATE SIZE
ASTM A36 STEEL	ASTM A36 STEEL
D ≥ 1/2" I.D., 5.79 LB./FT., 9'-6" MAX. LENGTH	6" x 6" x 3/8"
Ø CERTIFIED JACK POSTS, 18,000 LB. CAPACITY	6" x 6" x 3/8"

FOUNDATION ANCHOR SPACING REQUIREMENTS

WIND ZONE/MPH	ENDWALL	SIDEWALL
MAS ZONE I, II	4'-0" O.C.	4'-0" O.C.
Ø BOLT ZONE I	6'-0" O.C.	6'-0" O.C.
Ø BOLT ZONE II	4'-0" O.C.	4'-0" O.C.

FOOTING SIZING FOR CENTERLINE COLUMNS

FOOTING A	
SOIL BEARING CAPACITY	60# G.S.L.
1000 PSF	41"x41"x8"
2000 PSF	29"x29"x8"
3000 PSF	23"x23"x8"
FOOTING B	
SOIL BEARING CAPACITY	60# G.S.L.
1000 PSF	50"x50"x8"
2000 PSF	34"x34"x8"
3000 PSF	28"x28"x8"
FOOTING C	
SOIL BEARING CAPACITY	60# G.S.L.
1000 PSF	28"x28"x8"
2000 PSF	20"x20"x8"
3000 PSF	16"x16"x8"

NOTE: DIMENSIONS MAY VARY  
DUE TO MANUFACTURING TOLERANCES  
AND THE CONNECTION TOLERANCE  
AT THE WATING LINE  
DUE TO SET-UP.

NOTE:

THE COMBUSTION AIR INLETS FOR FUEL BURNING APPLIANCES SUCH AS FIREPLACES, WATERHEATERS, ETC., MUST BE EXTENDED SO THAT THEIR INLETS ARE ON THE EXTERIOR SIDE OF THE FOUNDATION WALL AND ABOVE THE GROUND SNOW LEVEL.

NOTICE

IT IS THE RESPONSIBILITY OF THE DEALER TO OBTAIN LEGIBLE BLOCKING AND/OR FOUNDATION PRINTS FROM FRIENDSHIP HOMES. FRIENDSHIP HOMES WILL NOT BE LIABLE FOR DAMAGES ARISING FROM THE DEALER SUPPLYING THE CONTRACTOR WITH TELEFAXED BLOCKING AND/OR FOUNDATION PRINTS.

NOTICE

IT IS THE RESPONSIBILITY OF THE DEALER AND/OR INSTALLER TO CERTIFY THAT ANY FOUNDATION PRINTS, OR ANY OTHER DIAGRAMS SUPPLIED TO A CONTRACTOR FOR SITE WORK, CORRELATE WITH THE UNIT ORDERED. THE MANUFACTURER WILL NOT BE LIABLE FOR DAMAGES ARISING FROM FAILURE OF THE DEALER AND/OR INSTALLER TO MAKE CERTAIN THAT THE CONTRACTOR HAS THE CORRECT DIAGRAMS, REGARDLESS OF WHAT WAS SUPPLIED BY THE MANUFACTURER. MANUFACTURER ASSUMES NO RESPONSIBILITY FOR THE DESIGN OF THE FOUNDATION EXCEPT FOR THE METHOD OF SUPPORT AS SHOWN ON THIS DRAWING.

- REFER TO CHART FOR ALLOWABLE SOIL PRESSURE ON FOUNDATION PLAN.
- THE FOUNDATION MUST BE DESIGNED AND BUILT TO LOCAL CODES & ORDINANCES. IT MUST BE APPROVED & INSPECTED BY LOCAL BUILDING OFFICIALS.
- ALL CONCRETE TO BE 3000 PSI @ 28 DAYS.
- FOUNDATION STEEL SUPPORTS PROVIDED BY THE ON-SITE CONTRACTOR SHALL HAVE A PROTECTIVE COATING BY THE ON-SITE CONTRACTOR.
- ALL COLUMN POST FOOTINGS SIZED WITHOUT REINFORCEMENT.
- REFERENCE THE STRUCTURAL DESIGN BASIS CERTIFICATE LOCATED IN THE HOME TO DETERMINE DESIGN ROOF LOAD.
- IN LIEU OF FOUNDATION VENTS, LIGHT & VENTILATION THROUGH WINDOWS OR EXTERIOR DOORS MAY BE INSTALLED IN ACCORDANCE WITH THE LOCAL JURISDICTION HAVING AUTHORITY.
- STOOP/DECK FOOTERS TO BE LOCATED ACCORDING TO STOOP/DECK DIMENSIONS AND DESIGNED & BUILT TO LOCAL CODES.
- TYPICAL DRIVELSPACE ACCESS: REFER TO JURISDICTION HAVING AUTHORITY TO DETERMINE ACTUAL SIZE AND LOCATION REQUIREMENTS. ACCESS MUST BE PROVIDED.
- SEE FOUNDATION DETAILS FOR RIM JOIST INSULATION REQUIREMENTS.

SYSTEM AND GENERAL CONSTRUCTION SUBJECT TO FLOOR PLAN MODIFICATIONS AND PRODUCT SUBSTITUTES ISSUED SINCE DATE OF PRINTS  
SOME OPTIONAL ITEMS ARE SHOWN AND PRICES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

## STAFF REPORT

**Application:** Variance to replace an existing one-story house with a two-story house on the same footprint approximately 11 feet from Sugar Lake (min. 75 ft required) and 0-1 feet from the side property line (min. 15 ft required). New attached garage to be 0-1 feet from the side property line (min. 15 ft required) and ~~0-2~~ 3-5 feet from the septic tank (min. 10 ft required). New attached screen porch to be approximately 54 feet from Sugar Lake (min. 75 ft required). Building coverage to be ~~20.1~~ 17.7% (max. 15% allowed). Total impervious coverage to be ~~31.3~~ 29.8% (max. 25% allowed).

**Applicant:** Mark Ertl and Martha Hurr Ertl

**Agenda Item:** 4(b)

---

### Background Information:

- **Proposal:** *This application was tabled at the October 2015 meeting to allow the applicants to identify a new plan that reduces the number of variances necessary and ensures that the rebuilt home is entirely on their property. The applicants have worked with Staff on a potential plan that would eliminate the need for most, if not all, of the variances previously requested (essentially a reconstruction of the existing home, without expansion- as defined by Township policy.*

*At the writing of this staff report, the applicants have not yet finalized their new proposal or whether they intend to move forward with a plan that does not require variances. Staff will forward anything received to the Board of Adjustment and post the revised plans on the public website should anything be submitted prior to the meeting. If the Board does not feel it has sufficient time to review the revised plans, the application may need to be tabled again.*

*The following represents the original proposal:*

The applicants are proposing to replace an existing 1,408 sq ft house (approx. 28.7' x 49') one-story house and "tuck under" boathouse with a 1,378 sq ft (approx.. 28.7' x 48') two-story house with the boathouse converted to a crawlspace. A new 18' x 24' attached garage and a new 12' x 12' attached screen porch would also be added to the proposed home. The foundation of the structures would be 24" higher than the current elevation.

The existing dwelling is located very close to the lake (the boathouse portion is essentially right up to the lake, which comes into the "normal" shoreline some in that area and the rest of the house is approx. 5-11 feet from the lake depending on the exact location measured.

The existing dwelling's foundation is located about 0-1 feet from the side property line and the overhang on the south side of the lot actually hangs over onto the adjoining property. The applicant's revised plans would shrink the house slightly to ensure that the overhang would be on the property entirely. The foundation would be about 1 ft. from the line as proposed.

After the initial application, the applicants have reduced in size the house very slightly, the screen porch and the garage to ensure that all are located on the

property and to reduce the proposed building coverage from what was originally proposed (it would continue to be more than what previously existed). Total impervious and building coverage, as proposed, would both exceed the maximum allowed coverage by about 4.7 and 2.7 percentage points respectively.

- **Location:**
  - Property address: 11543 Gulden Ave NW
  - Sec/Twp/Range: 1-121-27
  - Parcel number(s): 206085000310
- **Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Sugar Lake (General Development lake)
- **Lot size:** Approx. 11,270 sq ft (0.26 acres) according to provided survey<sup>1</sup>

Existing Impervious Coverage:

- Buildings: About 1,408 sq ft (12.49%)
- Total: About 3,184 sq ft (28.25%)

Proposed Impervious Coverage:

- Buildings: About 1,999 sq ft (17.74%)
- Total: About 3,355 sq ft (29.77%)

- **Septic System Status:** The property is served by an existing sewer system that was installed in 1993 and designed for 3 bedrooms (the proposed home would also have 3 bedrooms). It was found compliant in 2010.

- **Natural Features:**

- Floodplain: The existing and proposed structures are not within an identified floodplain. The ordinance, however, requires that the lowest floor of a dwelling be constructed at least four (4) feet above the highest known water level. That would require an elevation of 993.74 for the lowest floor.
- Bluff/Steep Slopes: The lot does not contain a bluff. The majority of the property is relatively flat, with just the area within about 5-6 feet of the shoreline being steep.
- Wetlands: There do not appear to be any wetlands that would impact this proposal.

- **Permit History:**

- 1959 - Apparent construction of home (from Assessor's records)

---

<sup>1</sup> The 2011 survey measured to the then-current shoreline – not the OHWL. According to DNR lake level readings, the water level on 7/1/2011 when the survey was conducted was approx.. 989.43. The ordinary high water level (OHWL) for Sugar Lake is 988.1. As such, the actual lot size – as measured to the OHWL – may be slightly larger than what is presented here. It is not likely to be much different though due to the relatively steep slope at the shoreline.

- 1985 - Lot Line Adjustment (withdrawn due to Township vacating right of way)
- 1993 - Septic System
- 2010 - Septic System inspection (found compliant)

---

**Applicable Statutes/Ordinances:**

**Minnesota Statutes**

**462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.**

**Subd. 6. Appeals and adjustments.**

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section [216C.06, subdivision 14](#), when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

**Corinna Township/Wright County Regulations**

## 502. APPEALS AND BOARD OF ADJUSTMENT

### 502.4 Findings

- (1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant's situation.
  - (a) The granting of the variance will be in harmony with the County Land Use Plan.
  - (b) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
  - (c) The plight of the owner is due to circumstances unique to the property not created by the owner.
  - (d) The proposal does not alter the essential character of the locality.
  - (e) The practical difficulty cannot be alleviated by a method other than a variance; and.
  - (f) The granting of the variance will not adversely affect the environmental quality of the area.

The Board of Adjustment may grant a variance if it finds that all of the above factors have been established. The Board of Adjustment must not approve a variance request unless the applicant proves all of the above factors and established that there are practical difficulties in complying with official controls. The burden of proof of these matters rests completely on the applicant.

## 403. LOT COVERAGE

Not more than fifteen (15) percent of a lot may be covered by buildings (including covered porches or other roofed structures) and not more than twenty-five (25) percent of lot may be covered by impervious surfaces, including all structures, decks and pavement areas except as provided in Section 608, 609, and 610.

## 605. URBAN/RURAL TRANSITIONAL R-1

### 605.5 **Performance Standards**

#### (3) Side Yard Regulations:

There shall be a minimum side yard of fifteen (15) feet for principal uses (including attached decks or garages) and ten (10) feet for accessory uses unless the building is housing livestock, then the setback is 100 feet for livestock buildings.

612. SHORELAND ZONING REGULATIONS

612.5 **Shoreland Performance Standards**

(1) General Performance Standard for Lakes

(a) General Development Minimum Standards:

Structure setback from OWHL	75 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level (livable structures only)	4 ft.
Water Oriented Accessory Structure setback from OWHL	10 ft.

716. SEWAGE AND WASTEWATER TREATMENT AND DISPOSAL STANDARDS

716.3 Site Evaluation and Design Requirements

**Table 3**  
**Minimum Setback Distances (Feet)**

	<b>Sewage or Holding Tank</b>	<b>Soil Treatment or Absorption Area</b>	<b>Building Sewer or Supply Pipes</b>
Water Supply Wells* (50 feet of continuous casing or encountering 10 feet of impervious material)	50	50	50**
Water Supply Wells* (less than 50 feet of continuous casing)	50	100	50**
Buried water suction pipe*	50	50	50**
Buried pipe distributing water under pressure*	10	10	10
Buildings***	10	20	-
Property Lines****	10	10	-
Subsurface drainage systems such as field tile lines	50	50	-
Surface drainage systems such as open ditches	30	30	-
The ordinary high water mark of the following types of lakes:			
Natural Environmental Lakes and Transitional River Segments (North Fork of the Crow)	150	150	-
Recreational Development Lakes, Mississippi River, Agricultural Rivers and Tributaries as defined in Section 612.4	75	75	-
General Development Lakes	50	50	-
All public water wetlands as defined by Minnesota Statutes, Section 103G.005, Subd. 15a or successor statute	50	50	-

\* Setbacks from buried water pipes and water supply well as governed by Minnesota Rules, Chapters 4715 and 4725, respectively.

\*\* The setback can be reduced from 50 to 20 feet if the building sewer or supply pipe is air tested by holding 5 pounds of air pressure for 15 minutes.

\*\*\* For structures other than buildings these setbacks may be reduced if necessary due to site conditions, but in no case shall any part of the individual sewage treatment system be located under or within the structure. For this provision to be employed there shall not be interior space below the structure. For the new construction of a structure without interior space below the structure no part of the absorption area shall encroach closer than 10 feet.

\*\*\*\* The setback from the treatment area to the platted road may be reduced with written approval from the road authority. The Board of Adjustment shall review variance requests, including those from common property lines, per 502 Appeals and Board of Adjustment, in the Wright County Zoning Ordinance.

---

**Findings of Fact:** The following findings of fact are presented by Staff for consideration by the Board of Adjustment:

1. **Will the granting of the variance be in harmony with the general purposes and intent of the Corinna Township Land Use (Zoning) and/or Subdivision Ordinance?**

**Needs discussion (lake setback):** The spirit and intent of the ordinance (lake setback), according to the DNRs SONAR statement in 1989, is:

“In general, structure setbacks are needed to provide an adequate distance between the development of a shoreland area and the adjacent waterbody or near blufftops to control the resource damaging effects of non-point source pollution. Soil erosion and subsequent sedimentation in water bodies and the loading of nutrients, toxics and other pollutants to the water body from shoreland area surface water runoff are examples of non-point source pollution.”

The proposed setback for the house would be both within the lake setback and within the shore impact zoned and as such would not be in keeping with the spirit and intent of the ordinance. However, the applicant’s septic system is currently located between the house and the road and takes up much of the area. Moving the home back would not be possible without a complete replacement of the septic system and in that case may or may not allow enough space for a replacement sewer system.

**Needs discussion (side yard setback):** The spirit and intent of the ordinance (side yard setback) is to require some space between buildings and other improvements and the adjacent lot and to maintain space between structures. Its’ intent is also to maintain consistency from one property to the next in this setback.

The proposed location of the house would be very slightly improved from the current setback, although it would still be within about 1 ft of the property line (0 ft if measuring from the overhang). There is space on the lot to shift the house further away from the lot line, although it would require excavating into a hill that is very close to the lake. If the house were shifted back in the lot, it would become more difficult to meet both side yard setbacks as the lot begins to narrow as it goes to the east (roadside).

**Needs discussion (impervious coverage):** The spirit and intent of the ordinance (impervious surface limit) is to help protect lake water quality by allowing more stormwater runoff to infiltrate into the ground. The intent is also presumably to prevent wide disparities in the size of buildings on similarly sized lots.

While the proposed additional impervious coverage in the near shore area could potentially be directed away from the lake for treatment of stormwater runoff, it would still represent

**No (building coverage):** The spirit and intent of the ordinance (building coverage limit) is to create uniformity in the percentage of a lot that is covered by buildings/roofed structures on a lot and to help ensure that, when added to

necessary other impervious surfaces that typically come with development, the overall 25% maximum impervious coverage is not exceeded.

The existing building coverage is currently below the 15% maximum allowed, but the proposal would increase coverage to over 17.7%. This would violate the intent of the ordinance to create uniformity from lot to lot in building coverage.

## 2. Will the granting of the variance be consistent with the Corinna Township Comprehensive Plan?

**Needs discussion:** The Comprehensive Plan states the following as strategies to “protect, preserve, and enhance lake water quality”:

- Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
  - Comment: If the additions are allowed, particularly the screen porch on the north side of the proposed dwelling, a stormwater plan to ensure protection of the steep shoreline and the lake and to manage stormwater in general is essential.
- Seek ways to ensure that new development, landscaping, or other alterations on lakeshore properties preserve and/or provide for the planting of native trees and shoreline vegetation.
  - Comment: The application would appear to require the removal of one or more mature trees.
- Require the use of best management practices as outlined by the Minnesota DNR, University of Minnesota Extension, or other appropriate agencies during the development and re-development of all property in the Township to prevent erosion and sedimentation that eventually reaches area lakes and wetlands through ditches, direct runoff, or other means.
  - Comment: See comments above.
- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
  - Comment: It does not appear that any significant grading will be necessary to construct the proposed house if it is done in the location of the current house. Fill will be needed to raise the foundation 24 inches as noted in the application. The area of fill would be very close to the lake and proper erosion and sediment control measures would be essential to protect the lake until the area is stabilized.

## 3. Is the proposed use of the property reasonable?

**Needs discussion (all requested variances).** The proposal is extraordinary in that the existing and proposed house is located so close to the lake and side

property line. Given that the existing septic system prevents the applicants from moving the house back from the lake, it may be reasonable to replace the house in or near its current location, but expanding the house to a two-story could be considered an unreasonable expansion given how close to the lake it would be and the visual impact it would have from the lake. The same considerations would apply relating to the side yard setback and the increase in height so close to a neighboring property line and home. Staff would consider the exceedance of the building and total impervious coverage limit to be unreasonable in that it is created at least partly by the addition of a screen porch that is not something all property owners have. The request to add a garage to a property that does not currently have a garage is certainly a reasonable request, although the size of the garage could certainly be discussed in terms of what is reasonable given the constraints of the lot.

**4. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

**Needs discussion.** The need for the variances is due largely to the location of the existing house (built in 1959) and the location of the existing sewer system (installed originally in 1993).

**5. Will the variance, if granted, alter the essential character of the locality?**

**Yes.** While there is one dwelling in the immediate area that could be considered a two-story home, all of the other homes are one-story. Further, the very close proximity of the proposed home to the lake would create a significant visual change for the area when viewed from the lake compared to what exists now.

**6. Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?**

**No.** The need for the variance is due to other factors mentioned in #4 above.

**7. Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?**

**Needs discussion:** It appears the applicant could shift the home over to the north to increase the side yard setback, although this would require some significant excavation in an area within the shore impact zone. The lake setback would also appear possible to increase so that the home were at least outside of the shore impact zone (37.5 ft from the OHWL). This would require, at least, replacing the existing septic tanks. Impact on the drainfield could be avoided, but would likely require redesigning of a new home to be of a different shape.

**8. Will the granting of the variance adversely affect the environmental quality of the area?**

**Needs discussion.** The proposal would place more building coverage in close proximity to the lake, although it would appear fairly easy to direct stormwater runoff from that addition to the road side of the property and away from the lake. Similarly, the proposal would exceed the allowable building coverage and

impervious coverage limits that would normally be of concern for lake runoff, but in this case the water could be directed away from the lake.

---

**Board of Adjustment Direction:** The Board of Adjustment may approve the variance request, deny the request(s), or table the request(s) if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

---

**Staff Recommendation:** Based on the findings of fact noted above, Staff cannot recommend approval of the requested variances as presented. The applicant has the option of replacing the structure as it is now (with the exception of ensuring that the lowest floor elevation is at least 3 feet above the ordinary high water level to meet the DNR floodplain standards) without a variance. Increasing the impervious and building coverage beyond what is allowed (impervious coverage is already in excess of what is allowed) does not appear reasonable or in keeping with the spirit of the ordinance as a smaller garage addition and elimination of the screen porch would still result in a reasonable dwelling/garage for the lot. Further, if the height of the structure is to be increased, it would be more in keeping with the intent of the ordinance to shift the house to at least be out of the shore impact zone.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval (or tabling of the application to allow for review of revised plans consistent with the following):

1. That the application be tabled to allow for the applicant to redesign the home and shift it back so that it meets at least a 37.5 ft setback from the ordinary high water level of Sugar Lake (or so that at least any expanded portion of the home - i.e. the second story - be shifted back to the 37.5 foot setback distance).
2. That the side yard setback be increased to at least 10 feet for any expanded portion of the home.
3. That building coverage be reduced to no greater than 15% of the lot. If the applicant wishes to have the existing survey updated or redone to see how much land is added when measuring to the OHWL, they would have that option. Otherwise, the existing survey of 11,270 would be used to calculate the allowable building coverage.
4. That the total impervious coverage be limited to no greater than what already exists on the lot.
5. That any area vacated by moving the house be filled back in to blend in with the existing contours.
6. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction

purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.

7. The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow adequate time for infiltration or other treatment of rainwater from the lot prior to it flowing into the lake. These may include directing rain gutters to appropriate areas, rain barrels, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within a reasonable time period after construction is completed and maintained indefinitely.

Application # <u>V15-12</u>	Date Application Rec'd <u>7/14/15</u> (for office use only)	Fee Collected \$ <u>400<sup>00</sup></u>
-----------------------------	--	--

**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant Mark J. Ertl and Martha J Hurr Ertl Phone 612-801-0155 (cell)

Property Address (E911#) 11543 Gulden Ave NW, Maple Lake, MN 55358

Mailing Address 5104 Colfax Ave South Local Phone same  
(if different than above) (if different than above)

City, State, Zip Minneapolis, MN 55419

Applicant is: \_\_\_\_\_ Title Holder of Property (if other than applicant)

Legal Owner	<input checked="" type="checkbox"/>	_____
Contract Buyer	<input type="checkbox"/>	(Name)
Option Holder	<input type="checkbox"/>	_____
Agent	<input type="checkbox"/>	(Address)
Other	_____	_____
		(City, State, Zip)

Signature of Legal Owner(s), authorizing application (required) Mark J. Ertl Martha J Hurr Ertl  
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): \_\_\_\_\_  
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Property ID # (12 digit # beginning with 206-XXX-XXXXXX) 206-085-000310

Full legal description of property involved in this request, including total acreage or square footage (required – attach separate sheet if necessary):

Government Lot #4, Sunset Pointe, Lots: 31(all), 30(part), 32 (part)  
Section 1, Township 121, Range 27

Zoning District Residential, Lake Name (if applicable) Sugar Lake

What type of variance are you requesting (check as many as apply)?

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> 1 per 40 Division              | <input type="checkbox"/> Road Setback                                | <input checked="" type="checkbox"/> <b>Building/Impervious Coverage</b> |
| <input type="checkbox"/> Lot Line Adjustment            | <input type="checkbox"/> Lake or River Setback                       | <input type="checkbox"/> Height of Structure                            |
| <input type="checkbox"/> Undersized Lot                 | <input checked="" type="checkbox"/> <b>Side or Rear Line Setback</b> | <input type="checkbox"/> Septic System Setback                          |
| <input type="checkbox"/> Appeal of Staff Interpretation | <input type="checkbox"/> Bluff Setback                               | Other _____   |

What are you proposing for the property? State nature of request in detail:  
We are proposing a rebuild to an existing cabin. The new cabin would be built upon the existing footprint, retain the same number of bedrooms and is requested go from 1 story to 2 stories. We are also proposing that an existing non-covered deck be relocated and covered. The proposal also includes a request to add a functional garage to the property.

Please read the variance application in its entirety before submitting the application. See the attached schedule of public hearings for relevant application deadlines. The full land use ordinance is available at the Town Hall and online at [www.hometownplanning.com/corinna-township.html](http://www.hometownplanning.com/corinna-township.html).

**NOTE: Incomplete applications, as determined by the Zoning Administrator, will not be accepted or scheduled for a hearing. It is recommended that you work with the Zoning Administrator well before the application deadline to ensure that you have all required information so as to avoid delays in the hearing of your application:**

**Please complete all of the following questions:**

1. Describe why you believe the granting of the variance request would be in harmony with the general purposes and intent of the Corinna Township Land Use and/or Subdivision Ordinance (available at [www.hometownplanning.com/corinna-township.html](http://www.hometownplanning.com/corinna-township.html)).

The purpose of the zoning ordinance is to promote the health, safety, morals and welfare of the community. The proposed rebuild is consistent with this purpose. Further, the property will improve the safety of the structure and conform to all current applicable building codes and standards of the construction industry. With the exception of the requested addition of a garage, the proposal does not otherwise expand the existing overall footprint of the cabin.

2. Describe why you believe the granting of the variance would be consistent with the Corinna Township Comprehensive Plan (Plan available at [www.hometownplanning.com/corinna-township.html](http://www.hometownplanning.com/corinna-township.html)).

Many of the proposal components are consistent with the Comprehensive Plan.

The cabin as it exists today was built in multiple phases over 50+ years and as such does not reflect all current best practices relative to building standards, does not protect, preserve and enhance lake water quality and does not protect and preserve existing environmental features. Our proposal incorporates specific strategies to address those areas while still preserving the rural character of the property. Strategies include but are not limited to:

-Currently our garage/boathouse and utility room frequently flood and require the use of sump pumps that drain into the lake. Additionally, all utilities and appliances in this area must be placed on blocks to prevent water damage. Our proposal raises the floor level of the new foundation 2+ feet to address this issue and eliminate the introduction of storm/ground water back into the lake from this source. This new area is also being converted to a crawlspace in order to limit total project height implications.

-Currently our garage/boathouse level foundation enters directly at lake level when water levels are high. In addition to the above mentioned mitigation, we plan to introduce additional erosion control measures (fill in portions and apply rip-rap) in front of the new crawlspace area to increase/equalize the set back of the house to the waterfront and further address this issue.

-Currently gutters facing the lake side of the cabin drain into/toward the lake. Our proposal includes routing all storm gutter run off to the front (non-lake facing) side of the cabin and be routed to an existing low water spot on the property that will be converted into a formal rain garden feature.

-Specific effort will be given to retain existing native trees along lakeshore within the design and rebuild process.

-The cabin currently has an effective sewage treatment system. An assessment will be completed as a part of the rebuild process to assure the currently capacity and effectiveness of the system will meet any additional demands placed on it by the design.

REVISED: APRIL 2012

3. Describe why you feel that your proposal is a reasonable use of the property.

The property is currently used as a year round recreational cabin for residential purposes. After the rebuild, the property will remain used for these purposes. It is being designed however to afford the opportunity for it to meet our needs as a full time retirement home in the future. Our use is consistent with the other uses of neighboring properties (for both the current and possible future use) and will in no way interfere with the use and enjoyment of our neighbors.

4. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant.

The existing plat (Sugar Lake – Sunset Point) was created in 1949 and the lots for the original cabins units are small. The existing cabin is very close to one side-yard boundary line and the cabin is within the current minimum set back from the lake. For these reasons we are not proposing to alter the existing footprint of the cabin.

The current cabin has a single car garage/pass through boat house and utility area that is at or below existing water levels. In part to address key elements of the Comprehensive Plan relative to water quality, we are requesting an additional variance to side-yard boundary and hardcover to move the garage higher in grade of the property and expand it to make it usable/functional. Any additional storm water runoff generated by the addition of the garage is intended to be mitigated by the aforementioned new rainwater routing and rain garden plan.

5. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties.

The character of the area is primarily recreational/residential cabin use with a few year round residences. The proposed project will not change the character of the neighborhood or be a detriment to nearby properties for a variety of reasons:

-The footprint of the main cabin will not be altered (existing deck relocated to side of house).

-The presence of a two car garage is consistent with many neighboring properties and the architecture (the adjacent property within the side-yard boundary has an existing 2 story garage/dwelling in near proximity to the proposed new garage).

-The landscaping and exterior design of the new cabin will be consistent with the rural character of the area and surrounding properties.

-The adjacent property to the front (non-lake side facing) of the cabin is wetlands area that will not be built upon. Therefore, our proposal will not impact any possible future lake views/sight lines.

6. Describe why it is not feasible for your project to meet the minimum requirements of the ordinance. What options did you explore that would minimize the variance necessary and why did you determine these were not feasible alternatives?

We explored the possibility of an existing structural remodel to meet our needs, but have been advised by qualified contractors that the existing structure and foundation is in such a condition that a remodel to the existing structure is not a viable solution to our future needs.

The current positioning of the lowest level foundation (garage, boat house, and utility room) is not a viable option for future use given the lake water levels. Our proposal includes reducing this

existing space to a crawl space in order to limit roof height (which is within current height requirements).

The requested move of the deck location significantly enhances the utilization of the lake views while not negatively impacting the water quality, environment or ground cover. Our proposal includes the reduction of an existing (front) deck to reallocate existing ground coverage to the newly requested covered deck.

7. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect?  
As noted by our proposal elements mentioned in prior questions, we appreciate the importance of maintaining the high quality of the surrounding lake and environment.

All work will be performed by qualified contractors. We will require our contractors to follow all reasonable erosion mitigation measures relevant to this project as outlined in the Corinna Township Erosion Control Guidelines.

We believe our proposal addresses/mitigates existing property concerns in this area, retains current property elements that support the environment and creates new solutions that improve upon the water quality and environmental impact of the property (gutter run off re-routing and rain garden examples). Our proposed use, and the frequency and intensity thereof (for the near future) will remain the same as before – recreational/residential use (primarily on weekends).

8. Please include any other comments pertinent to this request.  
We consider this project to be essential to improve the existing building safety, structure, and compliance with current building requirements; water and environmental impact of the existing property; and to our continued use and enjoyment of the cabin for our family and friends.

We have researched other recent rebuilds in the area and current surrounding cabin designs to assure our requests are consistent with previously acceptable variances, will enhance the area as a whole and are aligned to the rural character of this great area.

Ben

We have gone back and reviewed your concerns and recommendations. Attached please find a revised proposal for your consideration. Please note the following adjustments:

1. We have moved the south wall of the new home (reduced the overall square footage of the home) to keep the home within our property and address the issue of the existing home roof line/property line on the South East corner (issue that was in place at the time we acquired property).
2. We have reduced the garage from a 24x26 garage to a 18x24 car garage and moved it over to address the south property line question. This garage now falls fully within our property and does not interfere with the existing septic system.
3. We have reduced the stoop size.
4. We have reduced the porch size.

Attached please find an updated site plan. These changes bring our proposed project fully within our property lines, do not interfere with the existing septic system and reduce our overall coverage variance request to 17.69 %.

Please note the following items relative to our revised proposal:

1. This proposal reduces the overall coverage of the existing home from its current state a total of 66 sq feet (30 sq feet to address existing property line encroachment and 36 sq feet to remove lake side garage addition/overhang). It might also be helpful to note that the two 16' concrete retaining walls (each about 12" wide) currently leading up to the garage will be removed permanently, as will about 63 sq feet of concrete sidewalk which lead from the existing deck to the driveway.
2. This property was modified to be a full time, year round residence in the 1950's. It is currently used as a year round recreational home.
3. This property has an existing under tuck garage that is no longer functional, and in its current form has substantive environmental impact given the lake water level to the west and the slope/grade of the property into the garage from the east.
4. Being an existing (and future planned) year round home, we respectfully request you to consider it a hardship for us to not have a garage.
5. All other year round homes in our immediate area have garages (most 2 car garage size).
6. The property to the immediate South lot line has an existing garage in direct relationship to our proposed garage (no negative line of sight implications for our neighbor).
7. The current home has an existing 212sq foot deck on the front side of the house (existing at time we acquired property) that we are proposing be removed and replaced with a 40 sq foot door stoop and a 144sq foot (floor pervious) screened porch resulting in a net reduction of coverage from this deck of 28 sq feet.

In addition to previously submitted information in our application, related to the applicable statutes for "practical difficulties" that afford the permitting of variances we respectfully submit the following:

**(1) how substantial the variation is in relation to the requirement;**

*We are requesting a second floor addition that will be no closer than the current setback. However, given the dimensions of the lot there is really no other choice that would not negatively impact additional property line setbacks and the existing, effective sewage treatment. Neighboring properties are not negatively affected by the property line set back variance request.*

**(2) the effect the variance would have on government services;**

*We don't consider this to be substantive. The home is currently a 3 bedroom, year round home and would remain as such.*

**(3) whether the variance will effect a substantial change in the character of the neighborhood or will be a substantial detriment to neighboring properties;**

*We do not consider this to be a substantive change to the character of the neighborhood or a detriment to our neighbors. There are multiple 1.5-2 story properties in close proximity to our home.*

**(4) whether the practical difficulty can be alleviated by a feasible method other than a variance [economic considerations play a role in the analysis under this factor];**

*To avoid the need for a coverage variance we would need to remove the request for a usable garage. Given that the property has a garage that has been rendered unusable, and a negative environmental impact due to water levels and grading over the last 50 years, and that this is a current year round home, we respectfully request you consider not having a garage as a hardship for variance consideration.*

**(5) how the practical difficulty occurred, including whether the landowner created the need for the variance; and**

*The need for the coverage variance is created primarily by the layout of the lot as it was originally platted, and the garage being rendered unusable and a negative environmental impact due to water levels, grading and foundation deterioration.*

**(6) whether, in light of all of the above factors, allowing the variance will serve the interests of justice.”**

*Many other homes and buildings within the area do not meet the current coverage restrictions, lake and side lot setback requirements due to the layout of the lots and existing structures that were built many years ago. Other year round homes and many seasonal homes in the immediate proximity all have functional garages.*

In addition to previously submitted information in our application, related to the granting of variances we respectfully submit the following:

(1) The granting of the Variance will not be in conflict with the Comprehensive Plan;

*As stated in our application, we believe our variance requests are not in conflict with the Comprehensive Plan components – and in fact seek to rectify existing environmental issues that would bring our property more in line with components of the Comprehensive Plan.*

(2) The property will not yield a reasonable return if used in compliance with this Ordinance;

*We believe it is reasonable for a year round home in Minnesota to have a functional garage.*

(3) The conditions causing the hardship are unique and are not shared by neighboring property in the same zone;

*No other properties in our immediate area have a tuck under garage that is at water level on the lake side and below grade on the front side.*

(4) The granting of the Variance will not essentially alter the character of the neighborhood; and,

*See comments in application and above.*

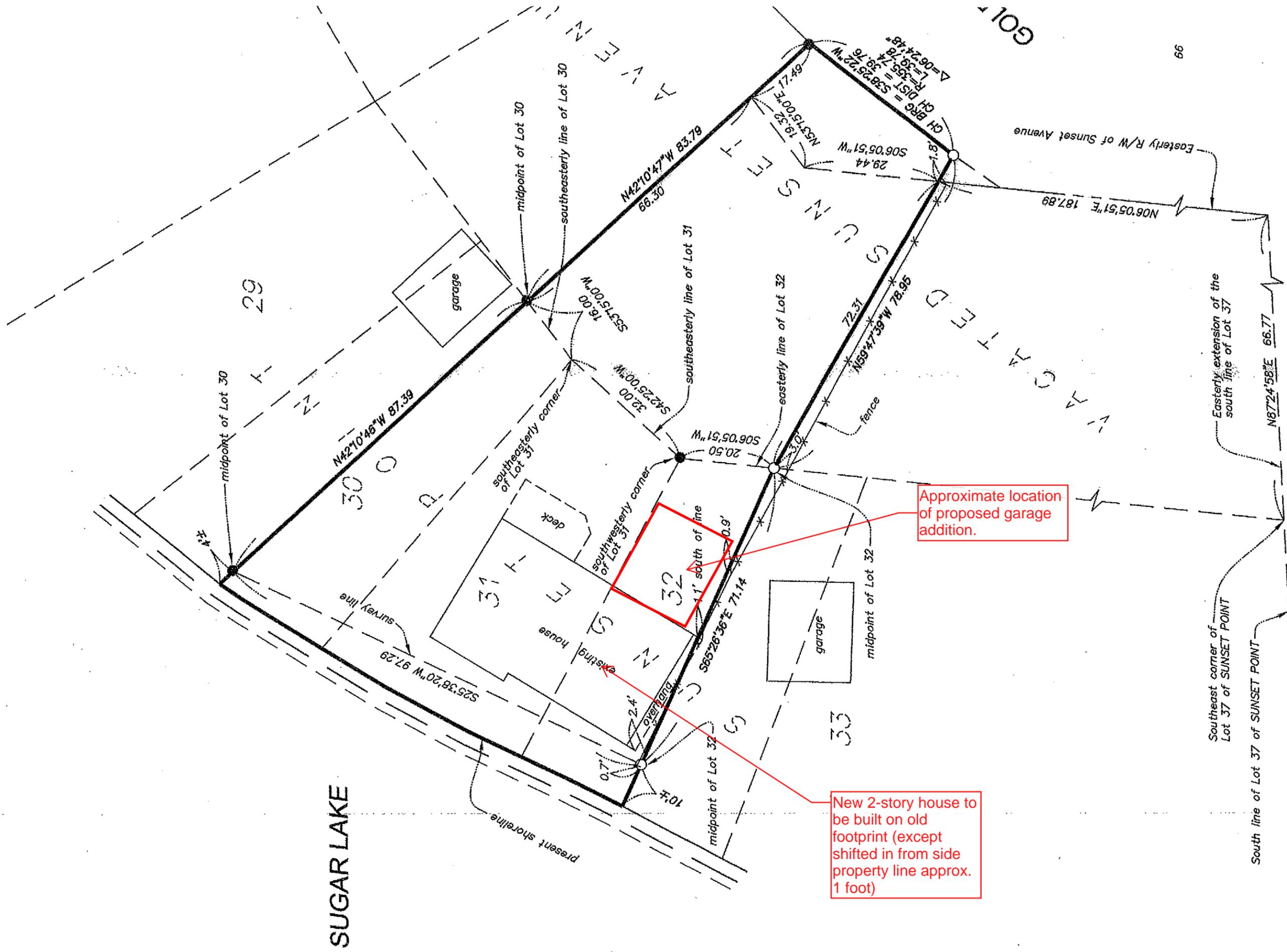
(5) The granting of the Variance will not adversely affect the environmental quality of the area.

*See comments in application and above. We believe approval of our variance requests and the specific environmental modifications we have committed to implementing (storm water management – during construction and ongoing, rain garden, gutter routing, maintaining all possible trees, repair/restoration to the shoreline in front of the existing garage/boathouse, etc) will have a significant positive impact to the environmental quality of the property.*

Please let us know if you have any further questions prior to our hearing on this matter.

Respectfully submitted,

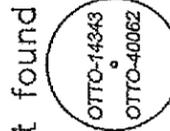
Mark & Martha Ertl



Requested By:

Certificate of Survey on part of  
 Gov't Lot 4, SUNSET POINT, in  
 Section 1, Township 121, Range 27,  
 Wright County, Minnesota

denotes iron monument found  
 denotes iron pipe set  
 and marked as shown:  
 denotes soil boring  
 denotes percolation test hole



# Remax Inte

Date: 7/1/11

Drawn By: C.S.O.

Scale: 1"

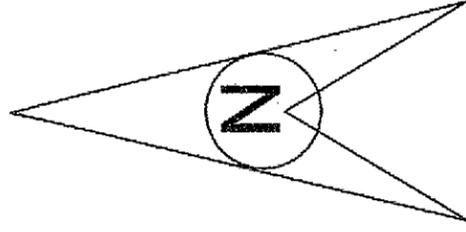
denotes iron monument found

denotes iron pipe set and marked as shown:

denotes soil boring

denotes percolation test hole

# LOT SURVEY



AREA TO SHORELINE = 11,270± S.F

**PROPERTY DESCRIPTION:**

All of Lot 31, SUNSET POINT and all that part of Lot 30, SUNSET POINT, according to plat of record which lies Southwesterly from a line drawn from the mid-point of the Southeast (rear) line of said Lot Northwesterly equi-distant from the side lines of said lot to the front of lakeshore line of said Lot. All that part of Lot 32 which lies Northwesterly from a line drawn from the mid-point of the Southeast (rear) of said Lot Northwesterly equi-distant from the side lines of said lot to the front or lakeshore of said lot, all in SUNSET POINT, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Wright County, Minnesota.

AND

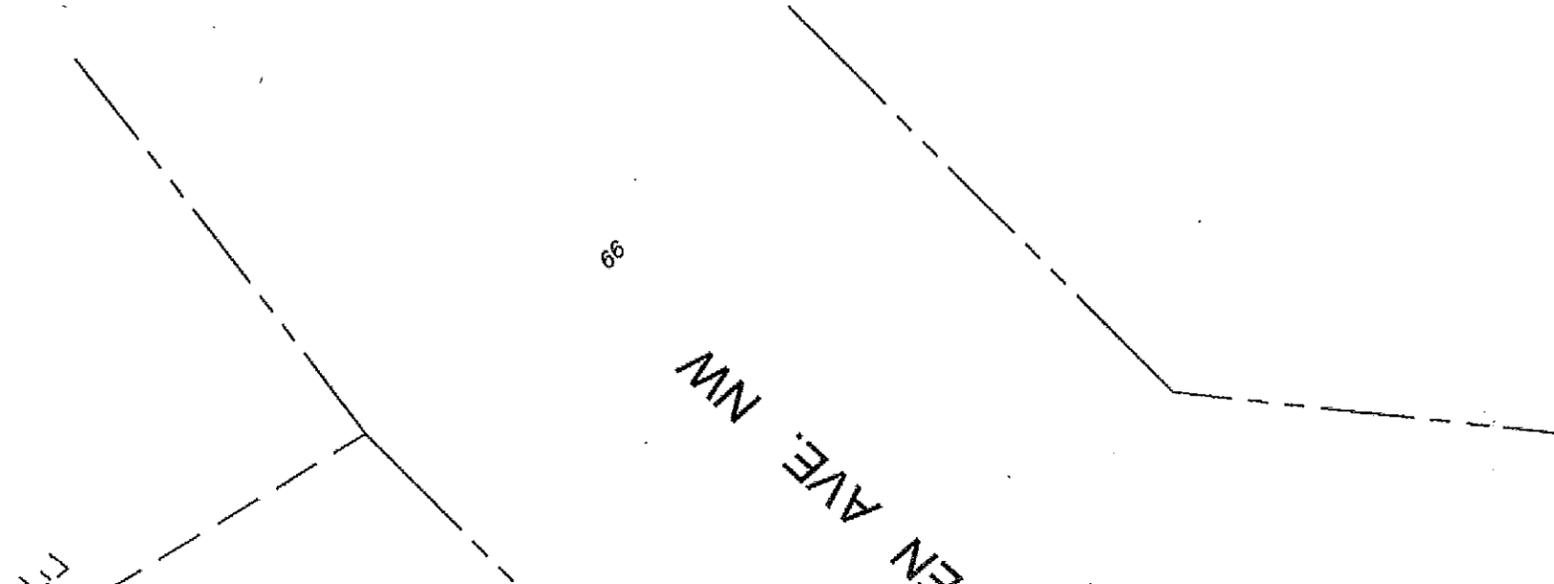
That part of the vacated right of way of Sunset Avenue, according to the record plat of SUNSET POINT, being a part of Government Lot 4 of Section 1, Township 121, Range 27, Wright County, Minnesota, described as follows:

Commencing at the Southeast corner of Lot 37 of said SUNSET POINT, according to the plat of record; thence on an assumed bearing of North 87 degrees 24 minutes 58 seconds East, along the Easterly extension of the South line of said Lot 37, a distance of 66.77 feet to the Easterly right of way line of Sunset Avenue, according to said SUNSET POINT; thence North 06 degrees 05 minutes 51 seconds East, along said Easterly right of way line, a distance of 187.89 feet to the point of beginning; thence continue North 06 degrees 05 minutes 51 seconds East along said Easterly right of way line, a distance of 29.44 feet; thence North 53 degrees 15 minutes 00 seconds East, along said right of way line, a distance of 19.32 feet; thence North 42 degrees 10 minutes 47 seconds West, a distance of 66.30 feet to the Southeastery line of Lot 30 of said SUNSET POINT; thence South 53 degrees 15 minutes 00 seconds West along said Southeastery line a distance of 16.00 feet to the Southeastery corner of Lot 31 of said SUNSET POINT; thence South 42 degrees 25 minutes 00 seconds West along the Southeastery line of said Lot 31, a distance of 32.00 feet to the Southwest corner of said Lot 31; thence South 06 degrees 05 minutes 51 seconds West along the Easterly line of Lot 32 of said SUNSET POINT, a distance of 20.50 feet to a line which bears North 59 degrees 47 minutes 39 seconds West from the point of beginning; thence South 59 degrees 47 minutes 39 seconds East, a distance of 72.31 feet to the point of beginning.

AND

That part of Government Lot 4 of Section 1, Township 121, Range 27, Wright County, Minnesota, described as follows:

Commencing at the Southeast corner of Lot 37, SUNSET POINT, according to the plat of record; thence on an assumed bearing of North 87 degrees 24 minutes 58 seconds East, along the Easterly extension of the South line of said Lot 37, a distance of 66.77 feet to the Easterly right of way line of Sunset Avenue, according to said SUNSET POINT; thence North 06 degrees 05 minutes 51 seconds East along said Easterly right of way line, a distance of 187.89 feet to the point of beginning; thence continue North 06 degrees 05 minutes 51 seconds East, along said Easterly line, a distance of 29.44 feet; thence North 53 degrees 15 minutes 00 seconds East, along said Easterly right of way line of Sunset Avenue, a distance of 19.32 feet; thence South 42 degrees 10 minutes 47 seconds East, a distance of 17.49 feet; thence South 42 degrees 10 minutes 47 seconds East, the last described course, concave Southeasterly, having a radius of 355.74 feet a central angle of 06 degrees 24 minutes 48 seconds, a chord of 39.76 feet, and a chord bearing of South 38 degrees 25 minutes 22 seconds West to a line that bears South 59°47'39" East from the point of beginning; thence North 59°47'39" West to the point of beginning.

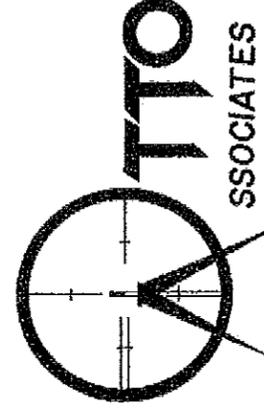


**grity**

Checked By:  
**P.E.O.**

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Paul E. Otto*  
Paul E. Otto  
Date: 7-13-11 License # 40062



**OTTO ASSOCIATES**  
Engineers & Land Surveyors, Inc.

www.ottoassociates.com

9 West Division Street  
Buffalo, MN 55313  
(763)682-4727  
Fax: (763)682-3522

Revised:

Job No.

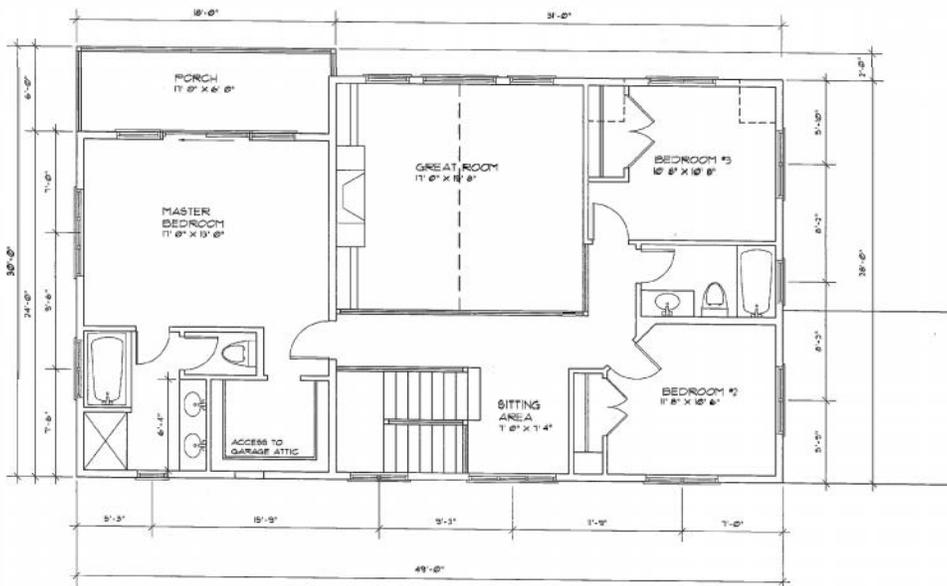
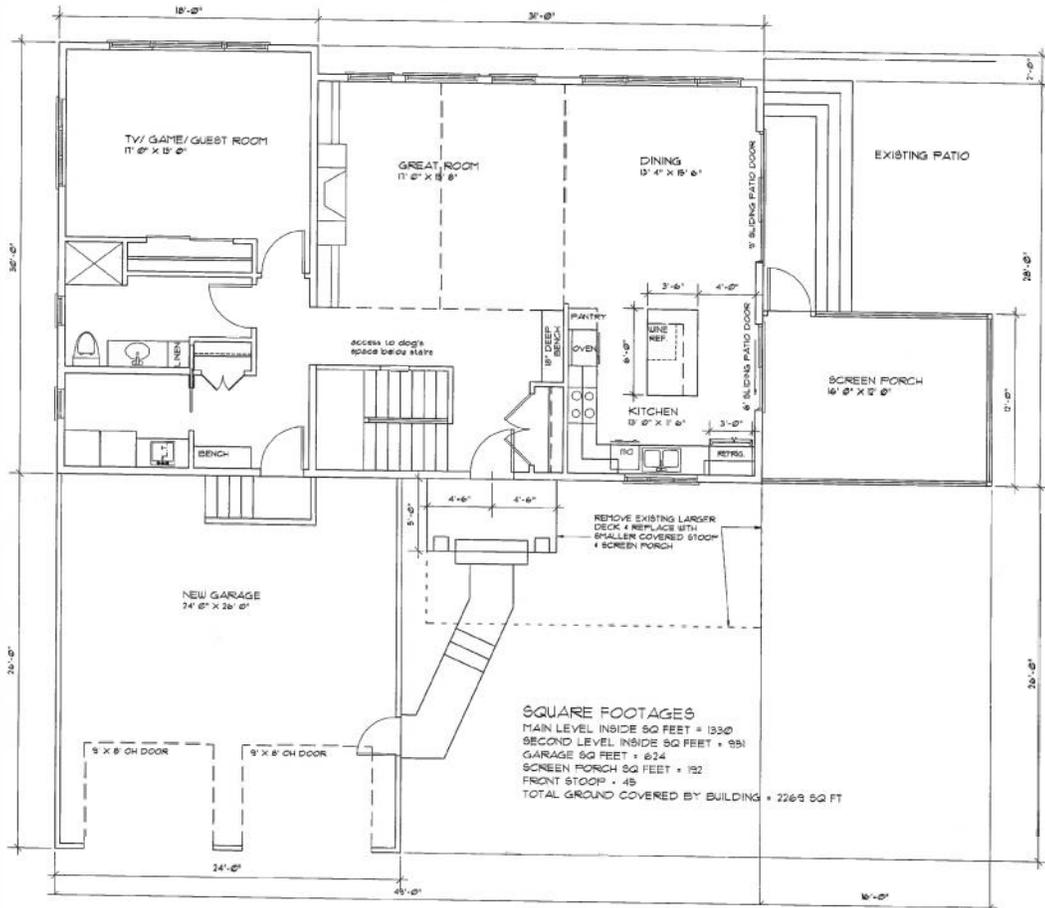
1-11-



1/1 FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



1/2 REAR ELEVATION  
SCALE: 1/8" = 1'-0"

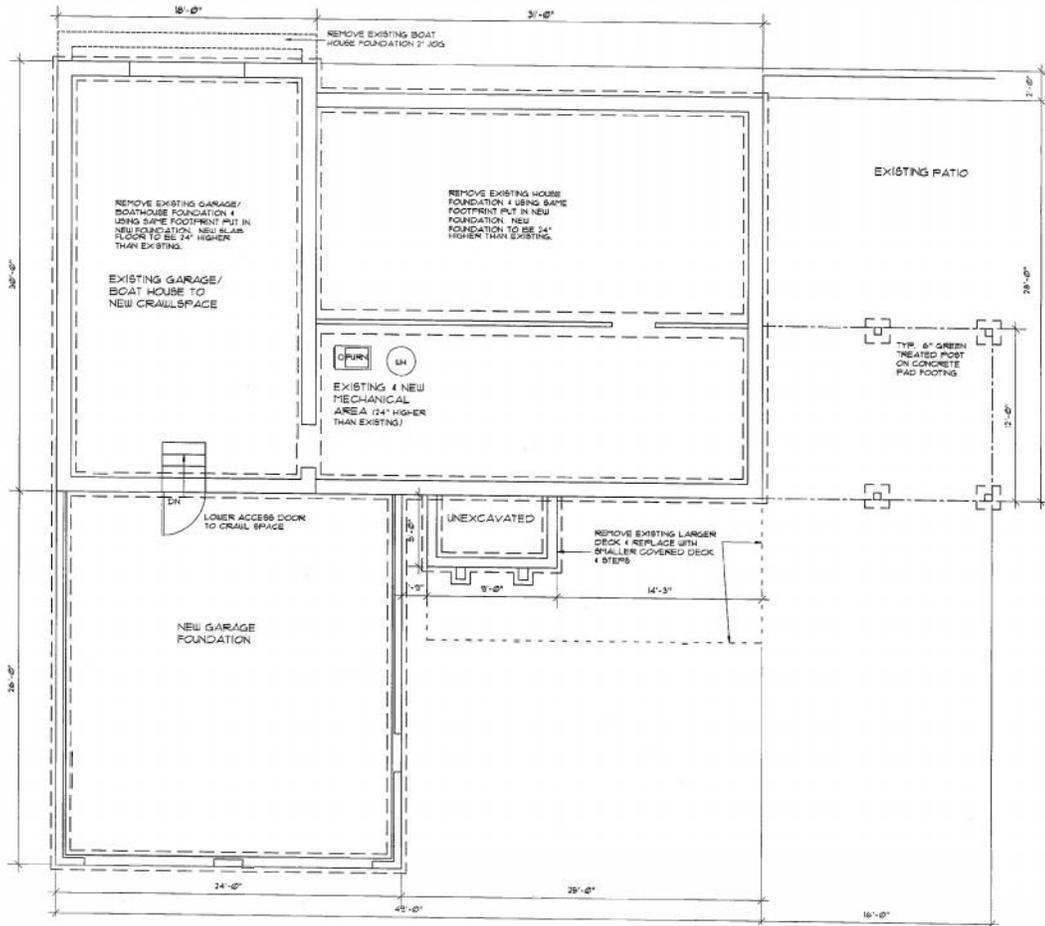




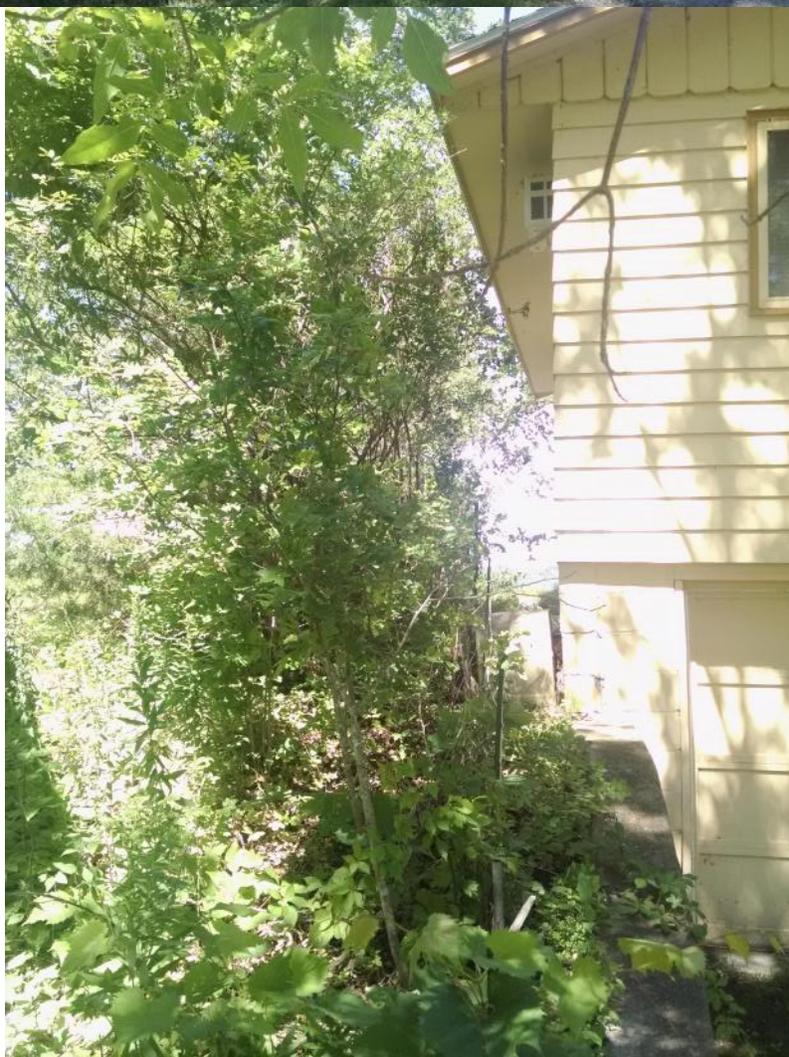
3/ RIGHT ELEVATION  
SCALE: 1/8"=1'-0"



3/ LEFT ELEVATION  
SCALE: 1/8"=1'-0"

















## STAFF REPORT

**Application:** Variance to replace the existing 591 sq ft home with a ~~1,549~~ 1,439 sq ft home and 295 sq ft attached porch approx. ~~31- 37.5~~ ft from Bass Lake (min. 75 ft required) and within a platted road right of way 35 ft from the centerline of a township road (min. 65 ft setback from centerline required). ~~Variance to construct a 600 sq ft detached garage approx. 31 ft from Bass Lake (min. 75 ft required) and 20 ft from the centerline of a township road (min. 65 ft required).~~ Building Impervious coverage to be approx. ~~16~~ 31.2% (max. ~~15~~ 25% allowed).

**Applicant:** Jeanne Kaiser

**Agenda Item:** 4(c)

---

### Background Information:

- **Proposal:** *This application was tabled at the October 2015 meeting to allow the applicants to identify a new plan that reduces the number of variances necessary, determines whether a septic drainfield can be installed and addresses the issue of the platted road right-of-way (which does not have a road actually in it and appears to be located where the proposed house would be located). The applicants have provided a revised site plan showing the garage eliminated from the plan and Staff has spoken with the applicant's attorney about the road right of way (as well as to the Town Board and Township Attorney). The applicant's attorney indicates he plans to come to the September 8 meeting to discuss a possible petition to vacate the public road right of way.*

*The following represents the original proposal (with revisions to the proposed house size and location):*

The applicants are proposing to replace an existing 591 sq ft one-story house (22' x 26') with a 1,549 sq ft (approx.. ~~27.7'-27.66'~~ x ~~56'-52'~~) one-story house with attached 10.66' x 27.66' porch. ~~porch.~~ The detached garage that was originally proposed has now been eliminated to ensure the property will stay below 15% building coverage and to make room for a drainfield that ~~would~~ could be added to the property. The initial design submitted for the drainfield would need variances relating to the lake setback and potentially the road/property line setback. It would meet setback requirements to the proposed house. ~~However, the initial review by the Wright County Environmental Health staff indicated that the sewer could not be approved as designed without approval of an engineer due to a very high water table.~~

The lot on which the house and septic system would be located is small (the lots themselves appear on the County GIS maps to be much larger, but the lake portion of the lots are separated from other parts of the lot by a public road and the "back" portions of the lot would appear to be at least partially located below the ordinary high water level of Bass Lake and would thus be considered part of the lake and not owned land by the applicant.

The original proposal would have had the enlarged home being served by the existing holding tank on the property. However, after additional conversations with Staff about the additional variances that would require, they contacted a sewer

designer who was able to have a septic drainfield designed in the area where the original proposal would have put a detached garage. That detached garage has now been eliminated from the plan.

There is a lack of clarity at this point as to the legal boundaries of the lot on which the variances are proposed. The original plat suggests that there is a platted road running through the yard and that the proposed house and septic would be at least partially located in that right of way. However, the actual traveled road surface is further back on the lot and the Township does not maintain the road and it may or may not be considered a private road. Staff's understanding is that a surveyor is working on the question, but at this point, Staff is unsure as to what setback variances would be to the road, if any.

- **Location:**
  - Property address: 10608 117<sup>th</sup> Street NW, Annandale
  - Sec/Twp/Range: 5-121-27
  - Parcel number(s): 206014000130 and 206014000140
- **Zoning:** Urban/Rural Transition (R1) /Residential Recreation Shorelands (S-2) Overlay District, Bass Lake (General Development lake)
- **Lot size:** Approx. 13,180 sq ft (0.30 acres) according to provided survey<sup>1</sup> (if public right of way is vacated)
  - Existing Impervious Coverage: (if public right of way is vacated)
    - Buildings: About 751 sq ft (5.7%)
    - Total: About 3,565 sq ft (27.0%)
  - Proposed Impervious Coverage: (if public right of way is vacated)
    - Buildings: About ~~1,549~~ 1,734 sq ft (~~11.8~~ 13%)
    - Total: About 4,109 sq ft (31.2%)
- **Septic System Status:** The property is served by an existing holding tank that was installed in 2005. A preliminary sewer design has been submitted that would install a drainfield on the property.
- **Natural Features:**
  - Floodplain: The existing and proposed structures are not within an identified floodplain. The ordinance, however, requires that the lowest floor of a dwelling be constructed at least four (4) feet above the highest known water level. That would require an elevation of 999.7 for the lowest floor.
  - Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes and is relatively flat.

---

<sup>1</sup> The "lot size" measurement is of the area between Bass Lake and the traveled road edge. At the writing of this staff report, a survey showing exact legal boundaries of the property and the location of the platted road right-of-way had not been conducted.

- Wetlands: There do not appear to be any wetlands on the property that would impact the proposal.
- **Permit History:**
  - 1955 - Apparent construction of home (from Assessor's records)
  - 2005 - Septic System (holding tank)

---

**Applicable Statutes/Ordinances:**

**Minnesota Statutes**

**462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.**

**Subd. 6. Appeals and adjustments.**

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section [216C.06, subdivision 14](#), when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

**Corinna Township/Wright County Regulations**

**502. APPEALS AND BOARD OF ADJUSTMENT**

**502.4 Findings**

- (1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant's situation.
  - (a) The granting of the variance will be in harmony with the County Land Use Plan.
  - (b) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
  - (c) The plight of the owner is due to circumstances unique to the property not created by the owner.
  - (d) The proposal does not alter the essential character of the locality.
  - (e) The practical difficulty cannot be alleviated by a method other than a variance; and.
  - (f) The granting of the variance will not adversely affect the environmental quality of the area.

The Board of Adjustment may grant a variance if it finds that all of the above factors have been established. The Board of Adjustment must not approve a variance request unless the applicant proves all of the above factors and established that there are practical difficulties in complying with official controls. The burden of proof of these matters rests completely on the applicant.

**403. LOT COVERAGE**

Not more than fifteen (15) percent of a lot may be covered by buildings (including covered porches or other roofed structures) and not more than twenty-five (25) percent of lot may be covered by impervious surfaces, including all structures, decks and pavement areas except as provided in Section 608, 609, and 610.

**605. URBAN/RURAL TRANSITIONAL R-1**

**605.5 Performance Standards**

(3) Side Yard Regulations:

There shall be a minimum side yard of fifteen (15) feet for principal uses (including attached decks or garages) and ten (10) feet for accessory uses unless the building is housing livestock, then the setback is 100 feet for livestock buildings.

612. SHORELAND ZONING REGULATIONS

612.5 **Shoreland Performance Standards**

(1) General Performance Standard for Lakes

(a) General Development Minimum Standards:

Structure setback from OWHL	75 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level (livable structures only)	4 ft.
Water Oriented Accessory Structure setback from OWHL	10 ft.

716. SEWAGE AND WASTEWATER TREATMENT AND DISPOSAL STANDARDS

716.3 Site Evaluation and Design Requirements

**Table 3  
Minimum Setback Distances (Feet)**

	<b>Sewage or Holding Tank</b>	<b>Soil Treatment or Absorption Area</b>	<b>Building Sewer or Supply Pipes</b>
Water Supply Wells* (50 feet of continuous casing or encountering 10 feet of impervious material)	50	50	50**
Water Supply Wells* (less than 50 feet of continuous casing)	50	100	50**
Buried water suction pipe*	50	50	50**
Buried pipe distributing water under pressure†	10	10	10
Buildings***	10	20	-
Property Lines****	10	10	-
Subsurface drainage systems such as field tile lines	50	50	-
Surface drainage systems such as open ditches	30	30	-
The ordinary high water mark of the following types of lakes:			
Natural Environmental Lakes and Transitional River Segments (North Fork of the Crow)	150	150	-
Recreational Development Lakes, Mississippi River, Agricultural Rivers and Tributaries as defined in Section 612.4	75	75	-
General Development Lakes	50	50	-
All public water wetlands as defined by Minnesota Statutes, Section 103G.005, Subd. 15a or successor statute	50	50	-

- \* Setbacks from buried water pipes and water supply well as governed by Minnesota Rules, Chapters 4715 and 4725, respectively.
- \*\* The setback can be reduced from 50 to 20 feet if the building sewer or supply pipe is air tested by holding 5 pounds of air pressure for 15 minutes.
- \*\*\* For structures other than buildings these setbacks may be reduced if necessary due to site conditions, but in no case shall any part of the individual sewage treatment system be located under or within the structure. For this provision to be employed there shall not be interior space below the structure. For the new construction of a structure without interior space below the structure no part of the absorption area shall encroach closer than 10 feet.
- \*\*\*\* The setback from the treatment area to the platted road may be reduced with written approval from the road authority. The Board of Adjustment shall review variance requests, including those from common property lines, per 502 Appeals and Board of Adjustment in the Wright County Zoning Ordinance.

**Findings of Fact:** The following findings of fact are presented by Staff for consideration by the Board of Adjustment:

**1. Will the granting of the variance be in harmony with the general purposes and intent of the Corinna Township Land Use (Zoning) and/or Subdivision Ordinance?**

**Needs discussion (lake setback):** The spirit and intent of the ordinance (lake setback), according to the DNRs SONAR statement in 1989, is:

“In general, structure setbacks are needed to provide an adequate distance between the development of a shoreland area and the adjacent waterbody or near bluffs to control the resource damaging effects of non-point source pollution. Soil erosion and subsequent sedimentation in water bodies and the loading of nutrients, toxics and other pollutants

to the water body from shoreland area surface water runoff are examples of non-point source pollution.”

The proposed setback for the house would be both within the lake setback and within the shore impact zoned and as such would not be in keeping with the spirit and intent of the ordinance. However, the lot is configured such that to move the house further back from the lake would only put it further within the road setback.

**Needs discussion (road setback):** The spirit and intent of the ordinance (road setback) for buildings is to help ensure adequate space for road maintenance activities (i.e. snowplowing, road grading, ditch spraying, etc...), to prevent damage to property and promote public safety should a vehicle drive off the road and to allow adequate space for parking of vehicles on driveways without endangering public safety.

In other zoning districts where development occurs more densely, the ordinance allows for setbacks from the right-of-way of a road as low as 20 feet. This is presumably to allow adequate space for a vehicle to park on the driveway without impinging on the road right-of-way. The proposed dwelling could be shifted back away from the lake and closer to the road and still maintain at least a 20 ft setback to the traveled road surface. However, it is unclear at this point where the road right-of-way actually is and whether it is even considered a public road.

**No (impervious coverage):** The spirit and intent of the ordinance (impervious surface limit) is to help protect lake water quality by allowing more stormwater runoff to infiltrate into the ground. The intent is also presumably to prevent wide disparities in the size of buildings on similarly sized lots.

The proposal would significantly increase impervious coverage, which is already over the limit. As such, it is not in keeping with the spirit of the ordinance as the lay of the lot would allow little opportunity for stormwater treatment before entering the lake.

## 2. Will the granting of the variance be consistent with the Corinna Township Comprehensive Plan?

**Needs discussion:** The Comprehensive Plan states the following as strategies to “protect, preserve, and enhance lake water quality”:

- Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
  - Comment: Stormwater management will be difficult on this lot as it is relatively flat and there is little space for treatment options. Further, the high water table prevents options that would infiltrate water from working effectively.
- Seek ways to ensure that new development, landscaping, or other alterations on lakeshore properties preserve and/or provide for the planting of native trees and shoreline vegetation.

- Comment: The application would appear to require the removal of one or more mature trees.
  - Require the use of best management practices as outlined by the Minnesota DNR, University of Minnesota Extension, or other appropriate agencies during the development and re-development of all property in the Township to prevent erosion and sedimentation that eventually reaches area lakes and wetlands through ditches, direct runoff, or other means.
    - Comment: See comments above.
  - Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
    - Comment: It does not appear that any significant grading will be necessary to construct the proposed house as the land is flat in that area. Some fill may be needed to raise the lowest floor of the proposed house approximately 0.7 feet above where it is located now.

**3. Is the proposed use of the property reasonable?**

**Needs discussion (all requested variances).** The request to add additional living space is reasonable in that the existing home is very small in size and the applicant wishes to make the new home suitable for year-round use. However, the small size of the lot, the proximity to the lake and the excessive impervious coverage are indications of the limitations of the lot to handle much additional development. It would appear that several changes to the plan would make the application more reasonable given these limitations – such as shifting the house further back away from the lake so as to at least be outside of the shore impact zone (37.5 ft from the lake instead of the proposed 31 feet) and reducing the impervious coverage by converting some of the existing parking areas to grass.

Staff would consider the exceedance of the total impervious coverage limit and the proposed lake setback to be unreasonable in that lesser impervious coverage and a greater lake setback both appear possible.

**4. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

**Needs discussion.** The need for the variances is due largely to the location of the existing house (built in 1959), the lot layout (platted in 1951) and the location of the township road (possibly not within the platted right-of-way).

**5. Will the variance, if granted, alter the essential character of the locality?**

**Needs discussion.** While there are other dwellings in the area that are relatively similar in size to what is proposed (and some which would be taller), the proposed home has a larger footprint than most others in the area, while also having a similar, or smaller sized, lot than nearby properties.

**6. Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?**

**No.** The need for the variance is due to other factors mentioned in #4 above.

**7. Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?**

**Needs discussion:** It appears the applicant could shift the home further from the lake to at least move outside the shore impact zoned (37.5 ft instead of proposed 31 feet). While this would move the home closer to the driven road surface, it would still allow for at least 20 feet between the road surface and the building.

It would also appear to be possible to reduce the impervious coverage to closer to 25% coverage, if not below, by reducing the parking area that is on the lot.

**8. Will the granting of the variance adversely affect the environmental quality of the area?**

**Needs discussion.** The proposal would place more building coverage in close proximity to the lake and options for treating stormwater before entering the lake appear limited due to a high water table. Still, there are some options for water treatment (e.g. rain barrels and grading of the land) to allow for as much infiltration as possible before entering the lake.

---

**Board of Adjustment Direction:** The Board of Adjustment may approve the variance request, deny the request(s), or table the request(s) if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

---

**Staff Recommendation:** Based on the findings of fact noted above, Staff cannot recommend approval of the requested variances as presented.

The primary reason is that until and unless the public road right-of-way is vacated, the Township cannot approve a home and septic system being located in that area.

Staff would recommend that the Board consider discussing the application to determine whether or not they would deny a variance even if the road is vacated. If so, that could be communicated to the applicant as it would reduce a primary incentive they would have for vacating the public road right of way.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval (or tabling of the application to allow for review of revised plans consistent with the following):

1. That the application be tabled to allow for clarification on the property line and roadway questions.
2. That the total impervious coverage be limited to no greater than what already exists on the lot or 25%, whichever is greater.

3. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.
4. The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow adequate time for infiltration or other treatment of rainwater from the lot prior to it flowing into the lake. These may include directing rain gutters to appropriate areas, rain barrels, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within a reasonable time period after construction is completed and maintained indefinitely.

Application # <u>V15-017</u>	Date Application Rec'd <u>7/23/15</u>	Fee Collected \$ <u>400<sup>00</sup></u>
------------------------------	---------------------------------------	--

(for office use only)

**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

(JEAN E. KAISER)  
 Name of Applicant JEANNE KAISER Phone 612-418-4073  
 Property Address (E911#) 10608 117<sup>TH</sup> ST. NW, ANNANDALE MN 55302  
 Mailing Address \_\_\_\_\_ Cell Phone 612-418-4073  
 (if different than above) (if different than above)  
 City, State, Zip ANNANDALE, MN 55302

Applicant is: \_\_\_\_\_ Title Holder of Property (if other than applicant) \_\_\_\_\_

Legal Owner	<input checked="" type="checkbox"/>	_____
Contract Buyer	<input type="checkbox"/>	(Name)
Option Holder	<input type="checkbox"/>	_____
Agent	<input type="checkbox"/>	(Address)
Other _____		_____
		(City, State, Zip)

Signature of Legal Owner(s), authorizing application (required) Jean E. Kaiser  
 (By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): \_\_\_\_\_  
 (By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Property ID # (12 digit # beginning with 206-XXX-XXXXXX) 206-014-000130  
206-014-000140

Full legal description of property involved in this request, including total acreage or square footage (required – attach separate sheet if necessary):  
 \_\_\_\_\_  
 \_\_\_\_\_

Zoning District \_\_\_\_\_, Lake Name (if applicable) BASS LAKE

What type of variance are you requesting (check as many as apply)?

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> 1 per 40 Division              | <input type="checkbox"/> Road Setback              | <input type="checkbox"/> Building/Impervious Coverage |
| <input type="checkbox"/> Lot Line Adjustment            | <input type="checkbox"/> Lake or River Setback     | <input type="checkbox"/> Height of Structure          |
| <input type="checkbox"/> Undersized Lot                 | <input type="checkbox"/> Side or Rear Line Setback | <input type="checkbox"/> Septic System Setback        |
| <input type="checkbox"/> Appeal of Staff Interpretation | <input type="checkbox"/> Bluff Setback             | <input type="checkbox"/> Other _____                  |

What are you proposing for the property? State nature of request in detail: WOULD LIKE TO PUT A 1549 SQ FT. MANUFACTURED HOME ON THE LOT WITH A "NOT ATTACHED" 20X30 GARAGE. THE GARAGE WOULD REPLACE THE TWO SHEEDS I HAVE THERE NOW. WOULD LIKE A ONE LEVEL HOME INSTEAD OF A 2 STORY BECAUSE OF AGING + TRYING TO MAKE THIS COMFORTABLE IN MY GOLDEN YEARS AHEAD.

Please read the variance application in its entirety before submitting the application. See the attached schedule of public hearings for relevant application deadlines. The full land use ordinance is available at the Town Hall and online at [www.hometownplanning.com/corinna-township.html](http://www.hometownplanning.com/corinna-township.html).

**NOTE: Incomplete applications, as determined by the Zoning Administrator, will not be accepted or scheduled for a hearing. It is recommended that you work with the Zoning Administrator well before the application deadline to ensure that you have all required information so as to avoid delays in the hearing of your application.**

Please complete all of the following questions:

1. Describe why you believe the granting of the variance request would be in harmony with the general purposes and intent of the Corinna Township Land Use and/or Subdivision Ordinance (available at [www.hometownplanning.com/corinna-township.html](http://www.hometownplanning.com/corinna-township.html)).

PRESERVING NATURAL FEATURES OF THE LAND & THE CHARACTER OF THE PROPERTY. BECAUSE WE ARE REPLACING AN OLD STRUCTURE, WE WOULD BE PROMOTING RESIDENTIAL DEVELOPMENT.

2. Describe why you believe the granting of the variance would be consistent with the Corinna Township Comprehensive Plan (Plan available at [www.hometownplanning.com/corinna-township.html](http://www.hometownplanning.com/corinna-township.html)).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Describe why you feel that your proposal is a reasonable use of the property.

BECAUSE THERE IS ALREADY A DWELLING ON THE PROPERTY, I FEEL IT IS REASONABLE. BEING IT IS ONLY A SEASONAL CABIN & I NEED A YEAR ROUND HOME.

4. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant.

LOT SIZE - LAKE IN FRONT OF CABIN & IN BACK OF CABIN, ROAD SETBACK, NARROW LOT, HOLDING TANK.

5. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties.

BY REMOVING THE 2 SHEDS & PUTTING UP A GARAGE, IT WILL ENHANCE THE BEAUTY OF THE LOT. ALSO HAVING A NEW STRUCTURE WILL ADD TO THE BEAUTY AS WELL. I WILL BLEND IN WITH ALL THE OTHER HOMES / CABIN IN MY AREA.

6. Describe why it is not feasible for your project to meet the minimum requirements of the ordinance. What options did you explore that would minimize the variance necessary and why did you determine these were not feasible alternatives?

PART OF MY LOT IS COVERED IN WATER BECAUSE OF THE SWAMP IN BACK OF THE CABIN. MY LOT LINE GOES BACK TO THE LAND ~~LOT~~ THAT IS OWNED BY ANOTHER PERSON. I ONLY HAVE THESE SMALLER 2 LOTS TO BUILD ON. THE ROAD IS VERY CLOSE TO THE WATER AS WELL.

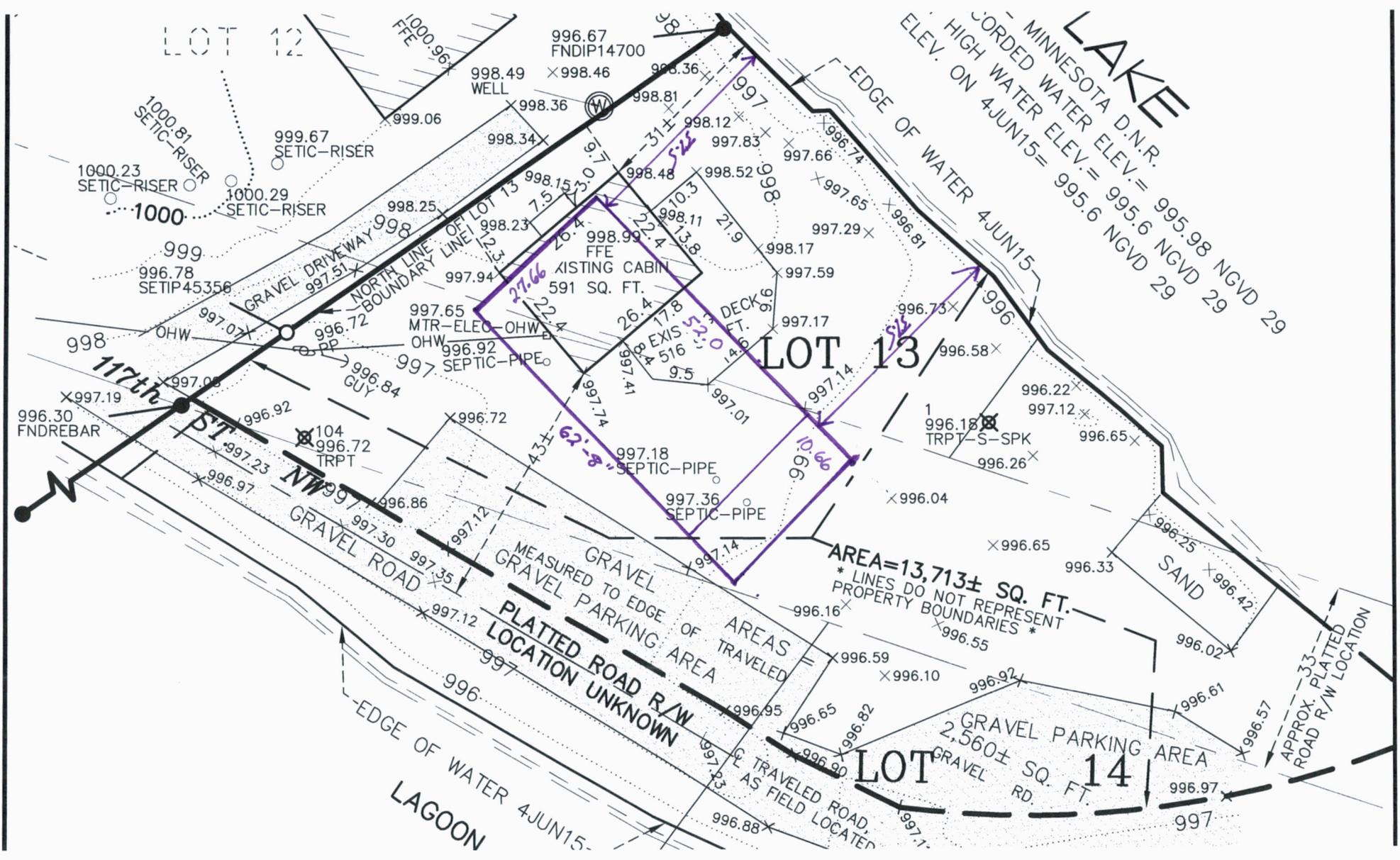
7. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect?

THIS WILL ONLY IMPACT THE ENVIRONMENT IN A POSITIVE WAY. WILL ADD TO THE BEAUTY OF THE LAKE AREA. I AM VERY TUNED IN TO THE ENVIRONMENT AND WILL DO WHATEVER POSSIBLE TO PRESERVE + PROTECT IT.

8. Please include any other comments pertinent to this request.

I HAVE OWNED THIS PROPERTY SINCE 1985. I AM WORRIED ABOUT THE AGED WIRING AND FEEL THIS COULD BE A FIRE HAZZARD. WOULD LIKE TO BUILD A YEAR ROUND HOUSE SO I COULD LIVE IN IT FULL TIME. I'M ASKING TO BUILD A SMALLER HOME NOT LIKE THE LARGER HOMES THAT ARE BEING BUILT AROUND THE LAKE. I HOPE, WITH WORKING WITH THE COUNTY, WE CAN COME TO A MUTUAL SOLUTION.

Home =  $27.66 \times 52 = 1,439 \text{ SF}$   $> 1,734 = 13\%$  of Total  
 Porch =  $27.66 \times 10.66 = 295 \text{ SF}$



AREA=13,713± SQ. FT.  
 \* LINES DO NOT REPRESENT  
 PROPERTY BOUNDARIES \*

GRAVEL PARKING AREA  
 2,560± SQ. FT.  
 GRAVEL RD.

APPROX. PLATTED  
 ROAD R/W LOCATION

EDGE OF WATER 4JUN15-  
 LAGOON

MINNESOTA D.N.R.  
 LAKE  
 RECORDED WATER ELEV.= 995.6 NGVD 29  
 HIGH WATER ELEV.= 995.6 NGVD 29  
 ELEV. ON 4JUN15= 995.6 NGVD 29

LOT 12

LOT 13

LOT 14

GRAVEL DRIVEWAY  
 GRAVEL PARKING AREA  
 MEASURED TO EDGE OF AREAS TRAVELED  
 PLATTED ROAD R/W  
 LOCATION UNKNOWN

TRAVELED ROAD,  
 AS FIELD LOCATED

SAND

1000

117th ST

104 TRPT

1 TRPT-S-SPK

996.67 FNDIP14700

998.49 WELL

1000.87 SETIC-RISER

999.67 SETIC-RISER

1000.23 SETIC-RISER

1000.29 SETIC-RISER

999.78 SETIP45358

996.30 FNDREBAR

996.72 TRPT

996.18 TRPT-S-SPK

998.34

998.15

998.48

998.12

997.83

997.66

997.74

997.65

996.81

996.73

996.58

996.22

997.12

996.65

996.26

996.04

996.65

996.33

996.25

996.42

996.02

996.61

996.57

996.97

997

996.88

997.7

996.90

996.82

996.95

996.59

996.10

996.94

996.61

996.97

997

996.88

997.7

996.90

996.82

996.95

996.59

996.10

996.94

996.61

996.97

997

996.88

997.7

996.90

996.82

996.95

996.59

996.10

996.94

996.61

996.97

997

996.88

997.7

996.90

996.82

996.95

996.59

996.10

996.94

996.61

996.97

997

996.88

997.7

996.90

996.82

996.95

996.59

996.10

996.94

996.61

996.97

997

996.88

997.7

996.90

996.82

996.95

996.59

996.10

996.94

996.61

996.97

997

996.88

997.7

996.90

996.82

996.95

996.59

996.10

996.94

996.61

996.97

997

996.88

997.7

996.90

996.82

996.95

996.59

996.10

996.94

996.61

996.97

997

996.88

997.7

996.90

996.82

996.95

996.59

996.10

996.94

996.61

996.97

997

996.88

997.7

996.90

996.82

996.95

996.59

996.10

996.94

996.61

996.97

997

996.88

997.7

996.90

996.82

996.95

996.59

996.10

996.94

996.61

996.97

997

996.88

997.7

996.90

996.82

996.95

996.59

996.10

996.94

996.61

996.97

997

996.88

997.7

996.90

996.82

996.95

996.59

996.10

996.94

996.61

996.97

997

996.88

997.7

996.90

996.82

996.95

996.59

996.10

996.94

996.61

996.97

997

996.88

997.7

996.90

996.82

996.95

996.59

996.10

996.94

996.61

996.97

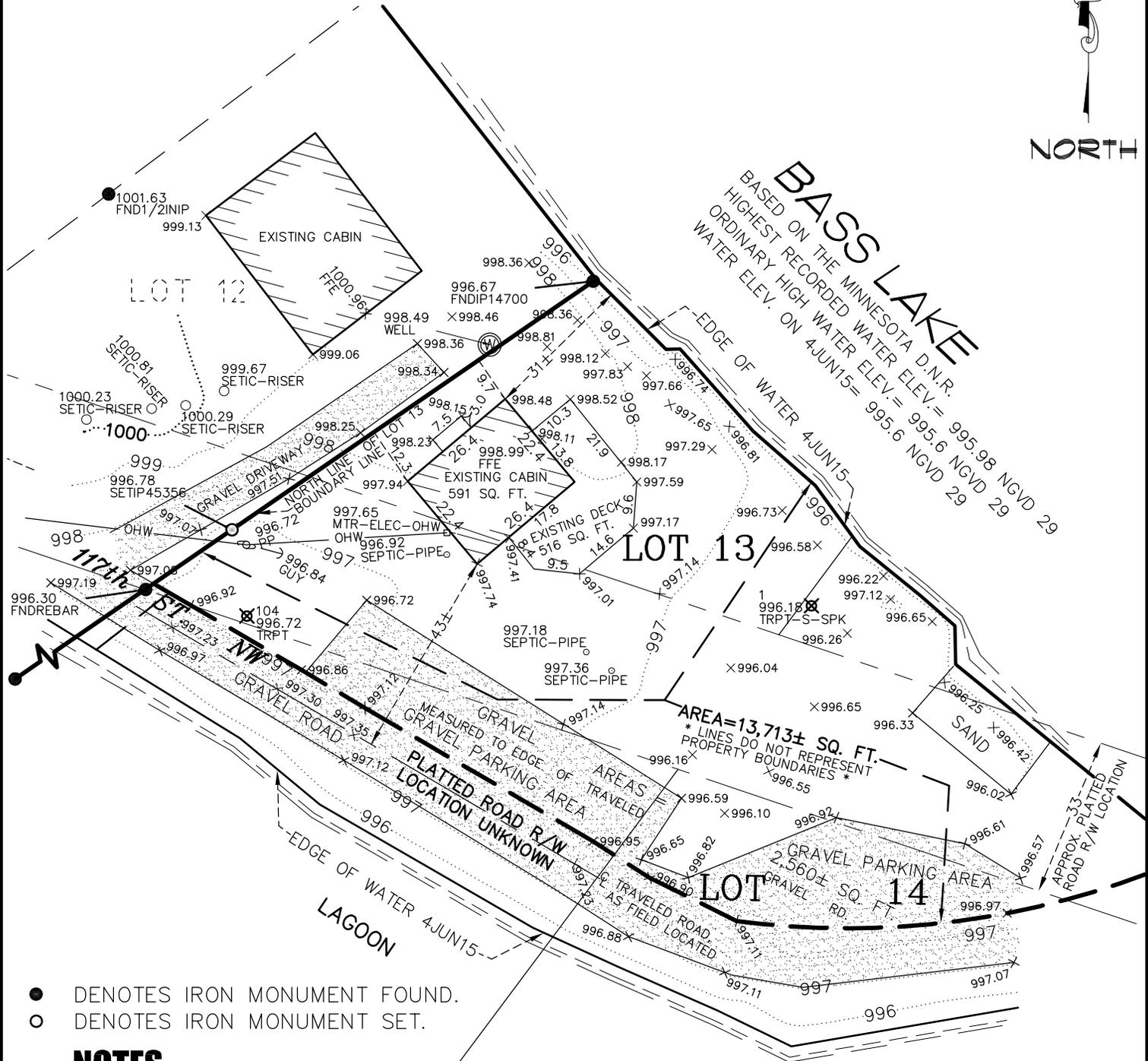
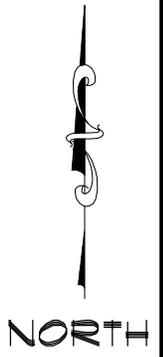
997

996.88

997.7

# TOPOGRAPHIC SURVEY ~for~ JEANNE KAISER

PART OF LOTS 13 & 14, BASS-CLEARWATER SHORES



- DENOTES IRON MONUMENT FOUND.
- DENOTES IRON MONUMENT SET.

## NOTES

- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

Location: 10608 - 117th St. NW Annandale, MN 55302

Scale 1" = 30'      Elevation Datum: NGVD 29      Job No. 15356TS      Drwg By KDN

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

**E. G. RUD & SONS, INC.**

By: *KHSM*

Dated this 7th day of August, 2015. Minnesota License No. 45356

**E. G. RUD & SONS, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 990 5th AVE SE, SUITE 2  
 HUTCHINSON, MN 55350  
 TEL (320) 587-2025  
 FAX (320) 587-2595  
 www.egrud.com









## STAFF REPORT

**Application:** Variance to enlarge an existing dwelling currently located approx. 66.9 ft from Cedar Lake (min. 75 ft required). Expansion will replace an existing 165 sq ft portion of a one-story dwelling with a 484 sq ft addition to include a lofted 2nd story. The addition itself will be located outside of the required 75 ft setback.

**Applicant:** Brian and Elizabeth Hace

**Agenda Item:** 4(d)

---

### Background Information:

- **Proposal:** The applicants are proposing to construct a one-story with loft addition to an existing one-story house. The existing house is located approximately 67 feet from the lake (min. 75 ft required). The proposed addition would meet the required setback, however, being approximately 85 ft from the lake.
- **Location:**
  - Property address: 8503 76TH ST NW
  - Sec/Twp/Range: 27-121-27
  - Parcel number(s): 206027000120
- **Zoning:** R1 - Urban/Rural Transition/S2 - Residential-Recreational Shorelands, Cedar Lake (General Development lake)
- **Lot size:** Approx. 39,861 sq ft (0.92 acres) according to provided survey

#### Existing Impervious Coverage:

- Buildings: About 1,856 sq ft (4.7%)
- Total: About 5,217 sq ft (13.1%)

#### Proposed Impervious Coverage:

- Buildings: About 2,175 sq ft (5.5%)
- Total: About 5,668 sq ft (14.2%)

- **Septic System Status:** The property is served by an existing septic system and drainfield that was originally installed in 2003. It was found compliant in 2012.
- **Natural Features:**
  - Floodplain: The existing and proposed structures are not within an identified floodplain. The ordinance, however, requires that the lowest floor of a dwelling be constructed at least four (4) feet above the highest known water level. That would require an elevation of 1003.3 for the lowest floor.
  - Bluff/Steep Slopes: The lot contains steep slopes leading from the road to the cabin site. The cabin site and the slope to the lake is relatively flat.

- Wetlands: There do not appear to be any wetlands that would impact this proposal.
- **Permit History:**
  - 2012 – septic system compliance inspection
  - 2003 – septic system install

---

**Applicable Statutes/Ordinances:**

**Minnesota Statutes**

**462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.**

---

**Subd. 6. Appeals and adjustments.**

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section [216C.06, subdivision 14](#), when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

**Corinna Township/Wright County Regulations**

**502. APPEALS AND BOARD OF ADJUSTMENT**

**502.4 Findings**

- (1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant’s situation.
  - (a) The granting of the variance will be in harmony with the County Land Use Plan.
  - (b) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
  - (c) The plight of the owner is due to circumstances unique to the property not created by the owner.
  - (d) The proposal does not alter the essential character of the locality.
  - (e) The practical difficulty cannot be alleviated by a method other than a variance; and.
  - (f) The granting of the variance will not adversely affect the environmental quality of the area.

The Board of Adjustment may grant a variance if it finds that all of the above factors have been established. The Board of Adjustment must not approve a variance request unless the applicant proves all of the above factors and established that there are practical difficulties in complying with official controls. The burden of proof of these matters rests completely on the applicant.

**612. SHORELAND ZONING REGULATIONS**

**612.5 Shoreland Performance Standards**

(1) General Performance Standard for Lakes

(a) General Development Minimum Standards:

Structure setback from OWHL	75 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level (livable structures only)	4 ft.
Water Oriented Accessory Structure setback from OWHL	10 ft.

---

**Findings of Fact:** The following findings of fact are presented by Staff for consideration by the Board of Adjustment:

1. **Will the granting of the variance be in harmony with the general purposes and intent of the Corinna Township Land Use (Zoning) and/or Subdivision Ordinance?**

**Needs discussion:** The spirit and intent of the ordinance (lake setback), according to the DNRs SONAR statement in 1989, is:

“In general, structure setbacks are needed to provide an adequate distance between the development of a shoreland area and the adjacent waterbody or near blufftops to control the resource damaging effects of non-point source pollution. Soil erosion and subsequent sedimentation in water bodies and the loading of nutrients, toxics and other pollutants to the water body from shoreland area surface water runoff are examples of non-point source pollution.”

The proposed setback for the house addition would meet the required setback by itself and there would be no change to the portion of the existing home that is within the setback. The primary impact of allowing the variance would be to enlarge a home that is already not meeting the required setback from the lake.

2. **Will the granting of the variance be consistent with the Corinna Township Comprehensive Plan?**

**Yes:** The Comprehensive Plan states the following as strategies to “protect, preserve, and enhance lake water quality”:

- Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
  - Comment: The proposed addition would meet the required setback. If rainwater from the roof of the addition is not directed to a location within the structure setback to the lake, it would maximize the time for infiltration of the water into the soil.
- Seek ways to ensure that new development, landscaping, or other alterations on lakeshore properties preserve and/or provide for the planting of native trees and shoreline vegetation.
  - Comment: The application would not appear to require the removal of a significant number of trees, if any.
- Require the use of best management practices as outlined by the Minnesota DNR, University of Minnesota Extension, or other appropriate agencies during the development and re-development of all property in the Township to prevent erosion and sedimentation that eventually reaches area lakes and wetlands through ditches, direct runoff, or other means.
  - Comment: See comments above.

- Limit the amount of grading and filling in the shoreland area so as to minimize the disturbance of soil and prevent erosion.
  - Comment: It does not appear that any significant grading will be necessary to construct the proposed house addition as proposed as the site is relatively flat.

**3. Is the proposed use of the property reasonable?**

**Yes.** The desire to have additional dwelling space on the existing house is reasonable in that it would not result in a dwelling that would be oversized for the lot or the neighborhood. The house addition itself will meet the required lake setback.

**4. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

**Yes.** The need for the variances is due largely to the location of the existing house (built in 1935).

**5. Will the variance, if granted, alter the essential character of the locality?**

**No.** The resulting home, as proposed, would not be out of character in size or type with the neighborhood. The property is relatively large and well-screened from neighboring properties.

**6. Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?**

**No.** The need for the variance is due to other factors mentioned in #4 above.

**7. Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?**

**No:** The only way to eliminate the need for the variance would be for the existing house to be removed or moved or altered in size so that no portion of it lied within 75 feet of the lake.

**8. Will the granting of the variance adversely affect the environmental quality of the area?**

**No.** The proposal would place more building coverage on the lot, however the overall building coverage would remain well below allowed limits and the house addition itself will meet the minimum required lake setback.

---

**Board of Adjustment Direction:** The Board of Adjustment may approve the variance request, deny the request(s), or table the request(s) if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

---

**Staff Recommendation:** Based on the findings of fact noted above, Staff recommends approval of the variance request as presented.

If the application is approved, Staff would recommend consideration for the following condition(s) of approval:

1. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.

Application # _____	Date Application Rec'd ___/___/___ (for office use only)	Fee Collected \$ _____
---------------------	--	------------------------

**CORINNA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant: Brian and Elizabeth Hace

Property Address: 8503 76th St NW

Mailing Address (if different): 8415 Kelzer Pond Drive

City: Victoria State: MN Zip: 55386

Phone (home/work): 9524432513 Phone (cell/other): 6128190060

E-mail (optional): eahace@embarqmail.com

**Applicant is:** Title Holder of Property (if other than applicant)

Legal Owner  Name: \_\_\_\_\_

Contract Buyer  Address: \_\_\_\_\_

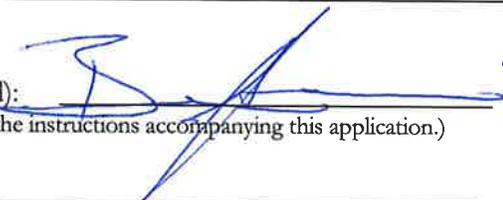
Option Holder  City, State, Zip: \_\_\_\_\_

Agent

Other  Please specify: \_\_\_\_\_

Property ID #: 206-027-000150 Lake Name Cedar Lake  
(12 digit # on tax statement) (if applicable)

Legal Description: See Attached Survey  
(attach if necessary)

Signature of Legal Owner, authorizing application (required):  8/17/15  
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): \_\_\_\_\_  
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

What type of variance are you requesting (check as many as apply)?

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> 1 per 40 Division              | <input type="checkbox"/> Road Setback              | <input type="checkbox"/> Building/Impervious Coverage           |
| <input type="checkbox"/> Lot Line Adjustment            | <input type="checkbox"/> Lake or River Setback     | <input type="checkbox"/> Height of Structure                    |
| <input type="checkbox"/> Undersized Lot                 | <input type="checkbox"/> Side or Rear Line Setback | <input type="checkbox"/> Septic System Setback                  |
| <input type="checkbox"/> Appeal of Staff Interpretation | <input type="checkbox"/> Bluff Setback             | <input type="checkbox"/> Other <u>Lake setback w/ expansion</u> |



5. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant.

---

---

---

---

6. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties.

---

---

---

---

7. Describe why it is not feasible for your project to meet the minimum requirements of the ordinance. What options did you explore that would minimize the variance necessary and why did you determine these were not feasible alternatives?

---

---

---

---

8. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect?

---

---

---

---

9. **Flood Insurance Notice:** If your variance request involves a request to construct a structure below the base flood level, you are hereby notified that this will result in an increased premium rate for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage. Such construction below the base or regional flood level increases risks to life and property.

***\*If you are requesting to construct a structure below the base flood level, please initial here that you have read and understand the above notice:*** \_\_\_\_\_

10. Please include any other comments pertinent to this request.

---

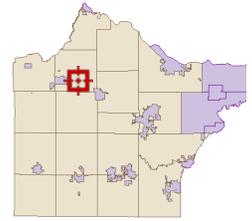
---

---

---



**Overview**



**Legend**

**Roads**

- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCCL

**Highways**

- Interstate
- State Hwy
- US Hwy

**City/Township Limits**

- c
- t

□ **Parcels**

■ **Water**

**2' Contours**

- 842; 844; 846; 848;
- 852; 854; 856; 858;
- 862; 864; 866; 868;
- 872; 874; 876; 878;
- 882; 884; 886; 888;
- 892; 894; 896; 898;
- 902; 904; 906; 908;
- 912; 914; 916; 918;
- 922; 924; 926; 928;
- 932; 934; 936; 938;
- 942; 944; 946; 948;
- 952; 954; 956; 958;
- 962; 964; 966; 968;
- 972; 974; 976; 978;
- 982; 984; 986; 988;
- 992; 994; 996; 998;
- 1002; 1004; 1006;
- 1008; 1012; 1014;
- 1016; 1018; 1022;
- 1024; 1026; 1028;
- 1032; 1034; 1036;
- 1038; 1042; 1044;
- 1046; 1048; 1052;
- 1054; 1056; 1058;
- 1062; 1064; 1066;
- 1068; 1072; 1074;
- 1076; 1078; 1082;

# THE TRAIL PROJECT

## 8503 76TH STREET N.W.

CORINNA TOWNSHIP, WRIGHT COUNTY, MINNESOTA



SHORELINE OF CEDAR LAKE AT 8503 76TH STREET N.W.



SOUTH SIDE OF 8503 76TH STREET N.W.

SECTION 27, T121N, R27W



VICINITY MAP  
(NO SCALE)

**ZONING REQUIREMENTS**  
 ZONE R-1 - URBAN/RURAL TRANSITION DISTRICT  
 SUBJECT TO SHORELAND OVERLAY DISTRICT  
 MINIMUM LOT AREA - 1 ACRE (PRIVATE ON-SITE SEWAGE TREATMENT SYSTEM)  
 MINIMUM LOT WIDTH - 150 FEET (PRIVATE SEWAGE TREATMENT SYSTEM)  
 MINIMUM LOT DEPTH - 150 FEET (PRIVATE SEWAGE TREATMENT SYSTEM)  
 MAXIMUM HEIGHT - 2.5 STORIES OR 35 FEET  
 BUILDING SETBACKS:  
 FRONT - 65 FEET FROM CENTERLINE OF LOCAL STREET  
 SIDE - 15 FEET (PRINCIPAL USE)  
 - 10 FEET (ACCESSORY USE)  
 REAR - 15 FEET  
 (AS PER WRIGHT COUNTY ZONING CODE)

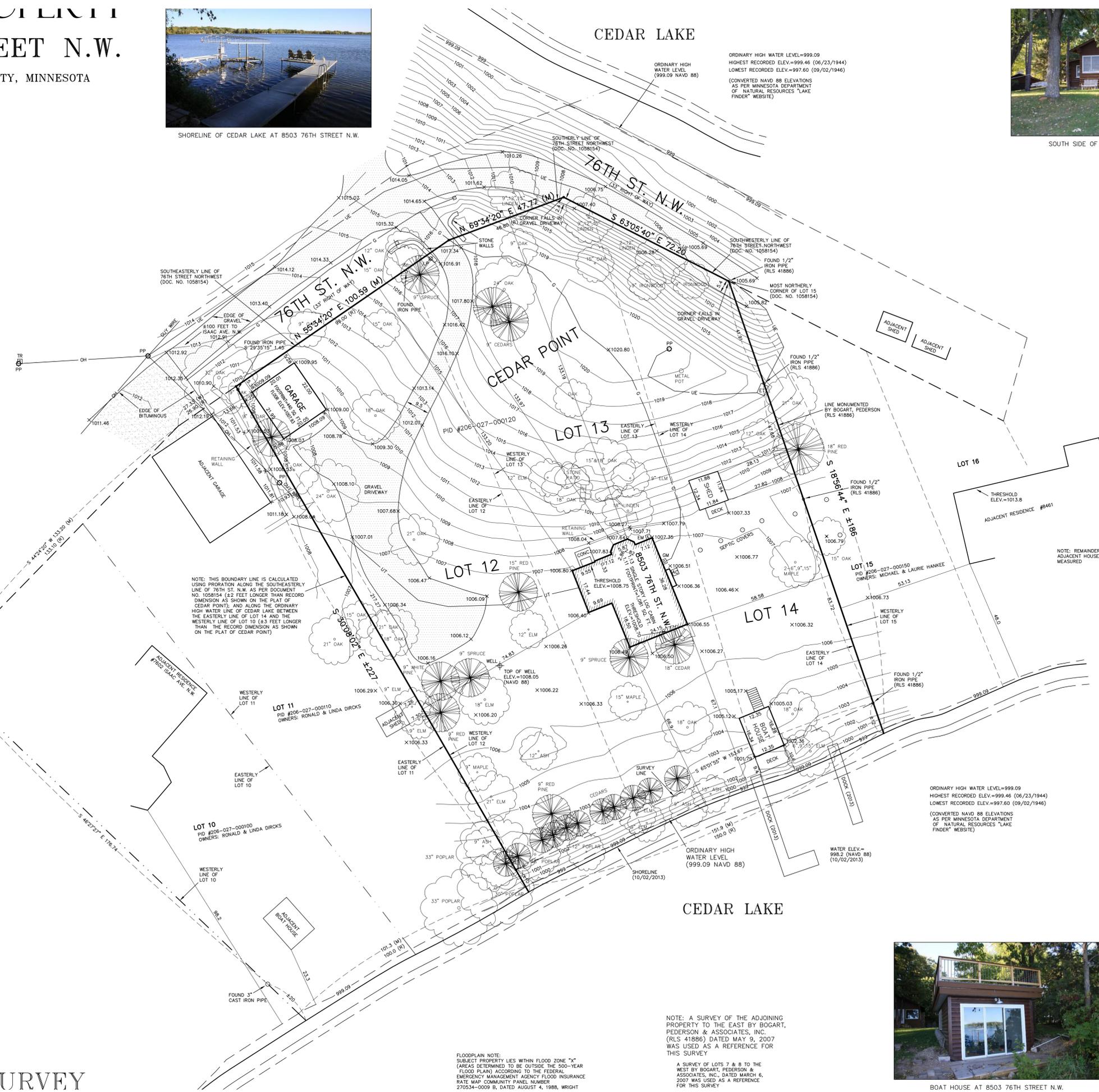


GARAGE AT 8503 76TH STREET N.W.

**KEMPER & ASSOCIATES INC.**  
 PROFESSIONAL LAND SURVEYORS

721 OLD HIGHWAY 8 N.W.  
 NEW BRIGHTON, MINNESOTA 55112  
 651-631-0351  
 FAX 651-631-8805  
 email: kemper@pro-ns.net  
 www.kempersurveyors.com

# CERTIFICATE OF SURVEY



**LEGAL DESCRIPTION**  
 WARRANTY DEED DOCUMENT NO. 1185780  
 Lots 12, 13 and 14 of Cedar Point, being in Section 27, Township 21, Range 27 according to the plat thereof now on file in the office of the Register of Deeds, Wright County, Minnesota

**SUBJECT PROPERTY =**  
 ±39,861 SQ. FT. OR  
 ±0.92 ACRES  
 (TO ORDINARY HIGH WATER LEVEL)

**ADJACENT LEGAL DESCRIPTIONS**  
 QUIT CLAIM DEED DOCUMENT NO. 1058154  
 8461 76TH STREET N.W.  
 PID #206-027-000150  
 Lots 15, 16, 17, 18 and that part of Lot 14, Cedar Point, as monumented, and that part of vacated Summit Avenue, as described in Book 109 of Deeds, page 230 and that part of Government Lot 4, oil in Section 27, Township 21, Range 27, Wright County, Minnesota, described as follows:  
 Commencing at the southwest corner of the Northwest Quarter of said Section 27; thence South 89 degrees 21 minutes 15 seconds East, along the south line of said Northwest Quarter and the south line of said Government Lot 4, assuming the west line of said Northwest Quarter bears North 02 degrees 22 minutes 34 seconds East, a distance of 2366.03 feet to a southerly line of said 76th Street Northwest as shown on said plat of Cedar Point, as monumented; thence North 25 degrees 38 minutes 33 seconds East, along said southerly line, a distance of 64.38 feet; thence North 23 degrees 38 minutes 33 seconds East, along said easterly line, a distance of 159.20 feet; thence North 20 degrees 31 minutes 00 seconds East, along said easterly line, a distance of 144.07 feet to a southerly line of said 76th Street Northwest; thence North 46 degrees 22 minutes 50 seconds East, along said southerly line, a distance of 147.19 feet; thence North 44 degrees 24 minutes 23 seconds East, along said southerly line, a distance of 156.04 feet; thence North 53 degrees 34 minutes 20 seconds East, along said southerly line, a distance of 127.92 feet to a southerly line of said 76th Street Northwest; thence North 89 degrees 34 minutes 20 seconds East, along said southerly line, a distance of 47.77 feet to a southerly line of said 76th Street Northwest; thence North 63 degrees 05 minutes 40 seconds East, along said southerly line, a distance of 147.19 feet; thence North 15 degrees 54 minutes 20 seconds East, along said westerly line, a distance of 33.62 feet to a northerly line of said 76th Street Northwest; thence North 63 degrees 05 minutes 40 seconds West, along said northerly line, a distance of 200.25 feet to a northerly line of said 76th Street Northwest; thence North 89 degrees 34 minutes 20 seconds East, along the easterly extension of said northerly line of 76th Street Northwest, a distance of 26 feet more or less, to the water's edge of Cedar Lake; thence southerly, southerly and westerly, along said water's edge, to the intersection with a line bearing South 18 degrees 56 minutes 44 seconds East from the point of beginning; thence North 18 degrees 56 minutes 44 seconds West, along said described line, a distance of 188 feet, more or less to the point of beginning.

PID #206-027-000110  
 LOT 11, CEDAR POINT

PID #206-027-000100  
 7602 ISAAC AVENUE N.W.  
 LOT 10, CEDAR POINT



BOAT HOUSE AT 8503 76TH STREET N.W.

PREPARED FOR:  
 BRIAN & ELIZABETH HACE  
 8415 KELZER POND DRIVE  
 VICTORIA, MINNESOTA 55386

ARCHITECT:  
 CHRISTINE ALBERTSSON, AIA, CID, NCARB  
 ALBERTSSON HANSEN ARCHITECTURE LTD.  
 2800 LYNDALE AVENUE SOUTH, SUITE 220  
 MINNEAPOLIS, MINNESOTA 55408  
 612-823-0233  
 CELL 612-801-1971

**CERTIFICATION**  
 I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

MAR 6, 2010  
 MARK D. KEMPER, PLS 18407

Issue Date:

DD1 MEETING	09/12/14
DD2 MEETING	09/29/14
DD PRICING	10/10/14
VARIANCE APPLICATION	08/12/15

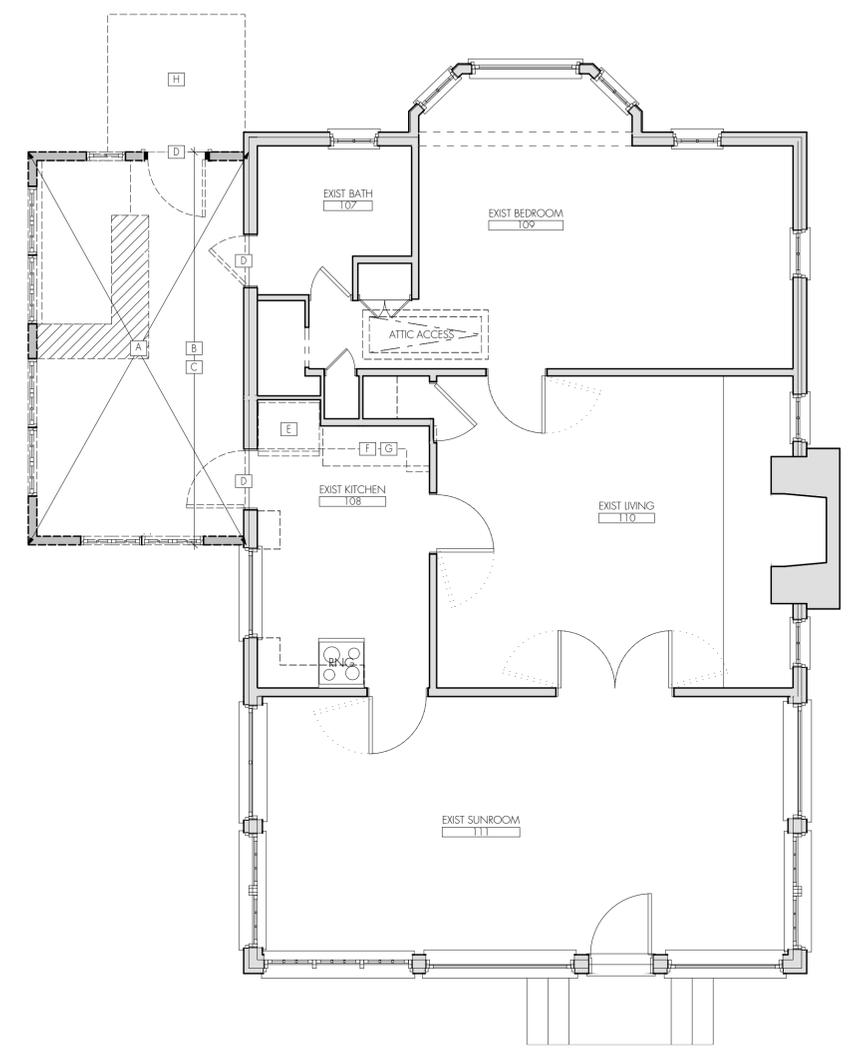
DEMOLITION GENERAL NOTES:

1. SALVAGE FOR REUSE EXISTING CABINETRY, APPLIANCES, FIXTURES, ETC. AS FEASIBLE. VERIFY IF OTHER ITEMS CAN BE SALVAGED.
2. SORT & RECYCLE DEMOLITION WASTE.
3. COORDINATE ALL DEMOLITION WITH ALL PROJECT DOCUMENTS, INCLUDING STRUCTURAL. DO NOT INCLUDE MORE DEMOLITION THAN NECESSARY.
4. PROTECT, PATCH AND REFINISH EXISTING HBWD FLOORING TO REMAIN.
5. PROTECT, PATCH AND REPAIR EXISTING EXTERIOR SIDING TO REMAIN.

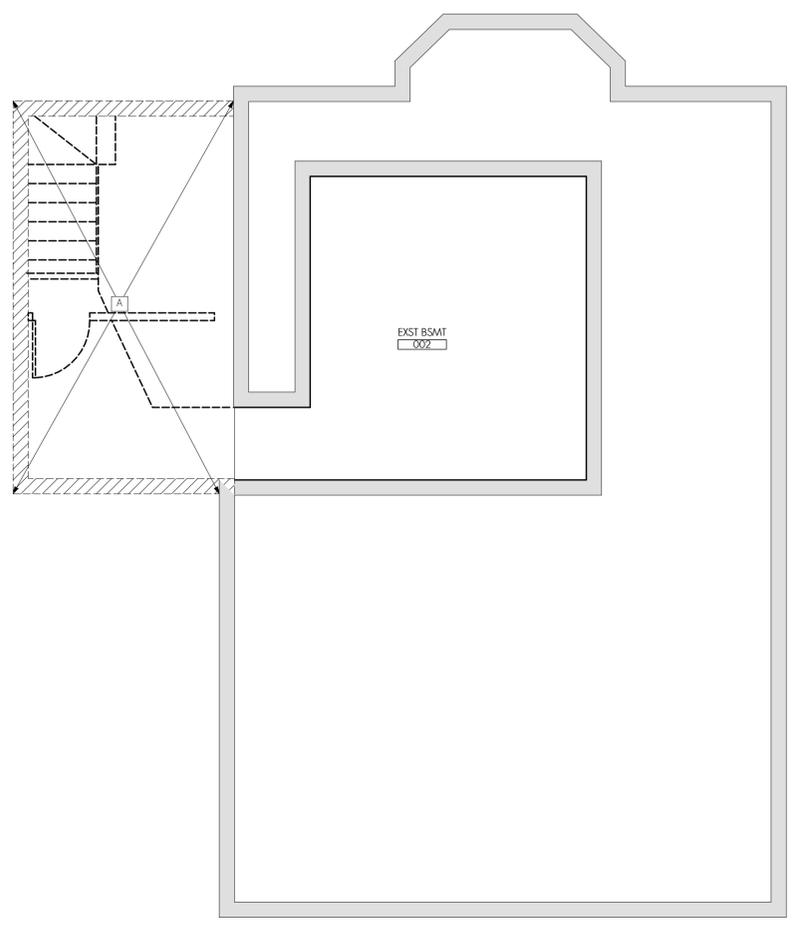
EXISTING WALLS TO REMAIN  
 WALLS TO BE REMOVED

DEMOLITION KEYNOTES

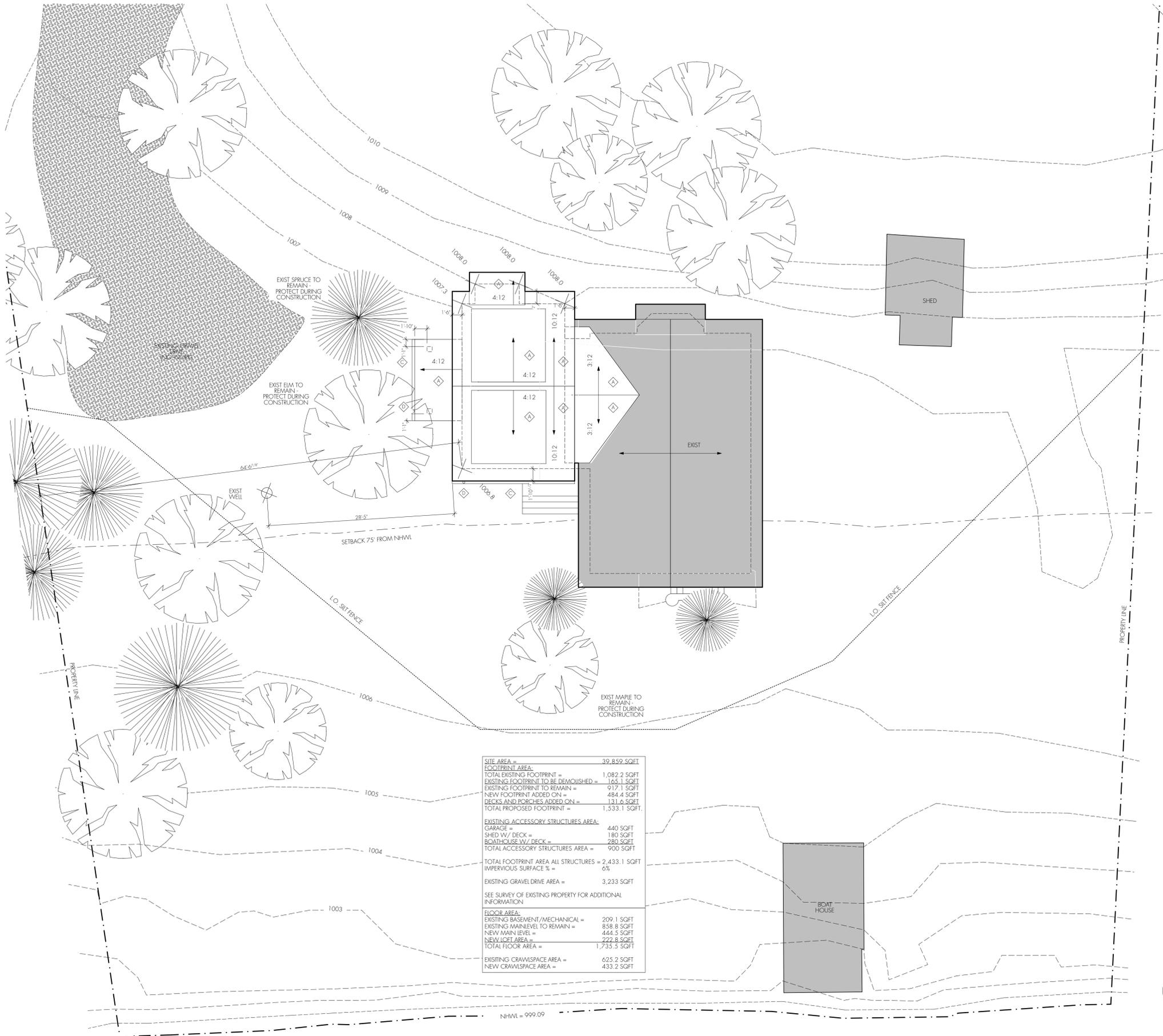
- [A] - REMOVE EXISTING STRUCTURE. PREP GROUND FOR NEW ADDITION.
- [B] - REMOVE EXISTING ROOF FINISH AND STRUCTURE AS REQUIRED. PREP FOR NEW WORK.
- [C] - REMOVE LOG SIDING ON EXISTING WALL TO SHEATHING. PREP SURFACE FOR NEW WORK.
- [D] - REMOVE EXISTING WDW/DOOR. PREP OPENING FOR NEW WORK. SEE DRAWINGS/SCHEDULES FOR POSSIBLE REUSE.
- [E] - REMOVE EXISTING APPLIANCES. SEE SCHEDULES FOR POTENTIAL REUSE.
- [F] - REMOVE EXISTING MILLWORK. PREP FOR NEW WORK. SEE DRAWINGS/SCHEDULES FOR POSSIBLE REUSE.
- [G] - REMOVE EXISTING ELECTRICAL FIXTURES/WIRING AS REQUIRED FOR NEW WORK.
- [H] - DEMO AND REMOVE EXISTING CONCRETE STEP AND SIAB. PREP GROUND FOR NEW ADDITION.
- [I] - REMOVE SUFFICIENT CEILING/WALL FINISHES AS REQUIRED FOR NEW WORK. REPAIR AND FINISH REMAINING CEILING.



2  
D1.1  
SCALE: 1/4" = 1'-0"



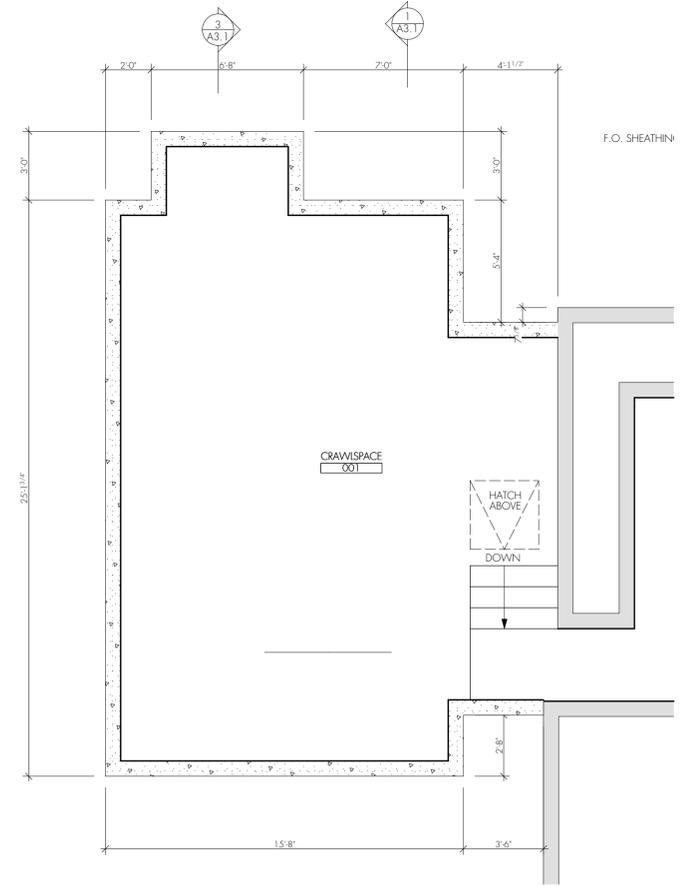
1  
D1.1  
SCALE: 1/4" = 1'-0"



SITE AREA =	39,859 SQFT
FOOTPRINT AREA:	
TOTAL EXISTING FOOTPRINT =	1,082.2 SQFT
EXISTING FOOTPRINT TO BE DEMOLISHED =	165.1 SQFT
EXISTING FOOTPRINT TO REMAIN =	917.1 SQFT
NEW FOOTPRINT ADDED ON =	484.4 SQFT
DECKS AND PORCHES ADDED ON =	131.6 SQFT
TOTAL PROPOSED FOOTPRINT =	1,533.1 SQFT
EXISTING ACCESSORY STRUCTURES AREA:	
GARAGE =	440 SQFT
SHED W/ DECK =	180 SQFT
BOATHOUSE W/ DECK =	280 SQFT
TOTAL ACCESSORY STRUCTURES AREA =	900 SQFT
TOTAL FOOTPRINT AREA ALL STRUCTURES =	2,433.1 SQFT
IMPERVIOUS SURFACE % =	6%
EXISTING GRAVEL DRIVE AREA =	3,233 SQFT
SEE SURVEY OF EXISTING PROPERTY FOR ADDITIONAL INFORMATION	
FLOOR AREA:	
EXISTING BASEMENT/MECHANICAL =	209.1 SQFT
EXISTING MAINLEVEL TO REMAIN =	858.8 SQFT
NEW MAIN LEVEL =	444.5 SQFT
NEW LOFT AREA =	222.8 SQFT
TOTAL FLOOR AREA =	1,735.5 SQFT
EXISTING CRAWLSPACE AREA =	625.2 SQFT
NEW CRAWLSPACE AREA =	433.2 SQFT

- GENERAL NOTES:
1. GENERAL CONTRACTOR TO VERIFY & COORDINATE WITH ARCHITECT ALL FINAL EXTERIOR FINISH SELECTIONS.
  2. GENERAL CONTRACTOR TO COORDINATE & INSTALL ALL BLOCKING NECESSARY FOR SECURE ANCHORING OF EXTERIOR FINISHES.
  3. ALL DIMENSIONS ARE TO FACE OF FRAMING, U.N.O.
  4. STRUCTURAL ENGINEERING BY OTHERS.
  5. R.O. ON INTERIOR DOORS IS 2" LARGER THAN THE DOOR SIZE (I.E. A 2'-4" DOOR WILL BE SHOWN AS 2'-6" R.O.)
  6. VERIFY AND COORDINATE ALL FINAL EQUIPMENT, CASEWORK, FINISH, FIXTURE, & DEVICE SELECTIONS WITH ARCHITECT. COORDINATE & PROVIDE BACK FOR SECURE ANCHORING OF EQUIPMENT, CASEWORK, FINISHES, FIXTURES & DEVICES.
- EXISTING WALLS TO REMAIN  
 NEW WALL CONSTRUCTION

2 LOWER LEVEL PLAN  
SCALE: 1/4" = 1'-0"



1 SITE/ROOF PLAN  
SCALE: 1/8" = 1'-0"



Albertsson Hansen  
Architecture, Ltd.

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am duly registered architect under the laws of the state of Minnesota.  
Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Registration # \_\_\_\_\_  
www.aharchitecture.com

HACE REMODELING  
8503 76th St NW Annandale, MN 55302  
2800 Lyndale Avenue So. Suite 220 Minneapolis, MN 55408  
tel 612 823 0233 • fax 612 823 4950

Issue Date:  
DD1 MEETING 09/12/14  
DD2 MEETING 09/29/14  
DD PRICING 10/10/14  
VARIANCE APPLICATION 08/12/15

DESIGN DEVELOPMENT  
FLOOR PLANS

A1.0

HACE REMODELING  
8503 76th St NW Annandale, MN 55302

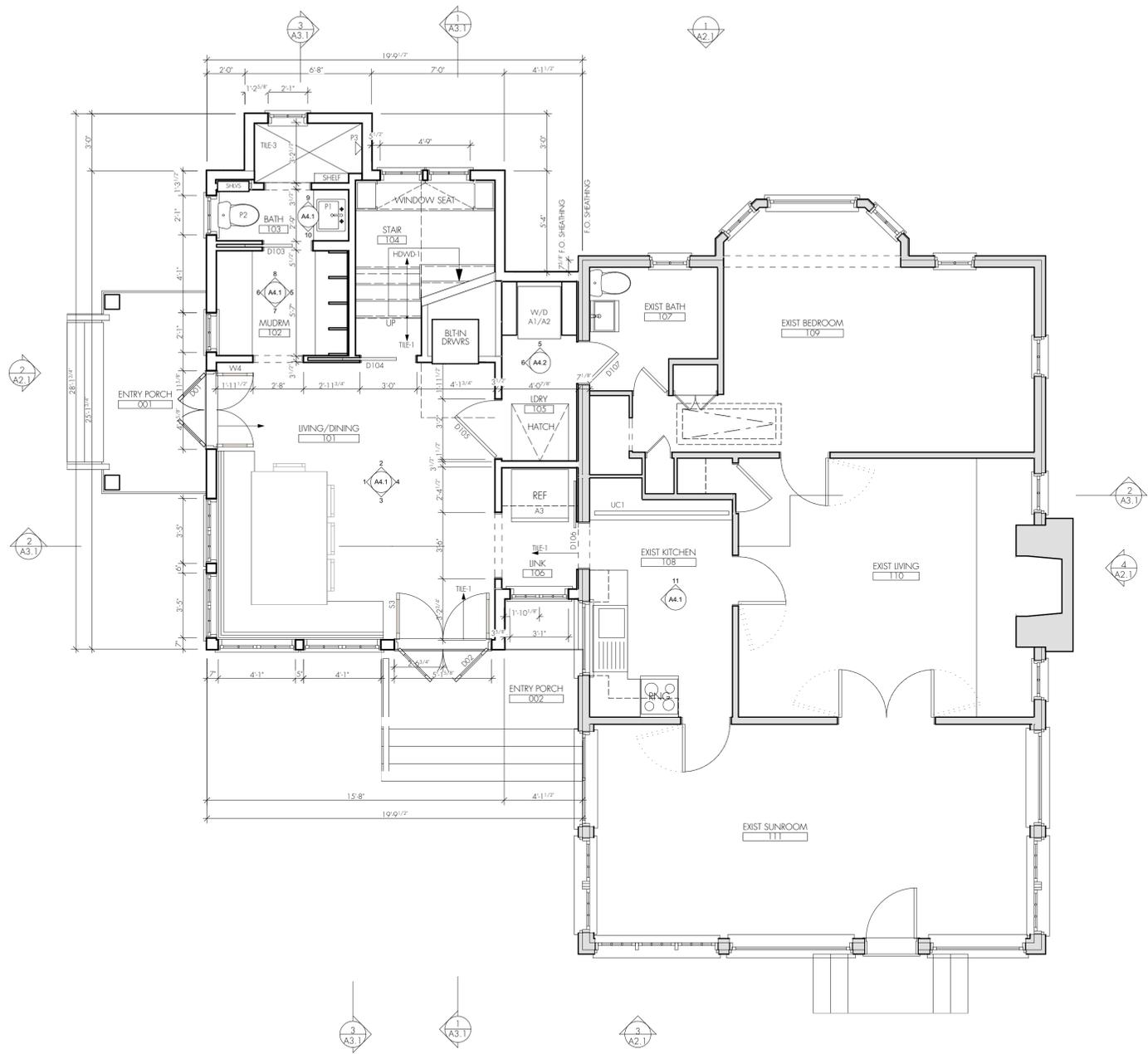
2800 Lyndale Avenue So., Suite 220, Minneapolis, MN 55408 • tel 612 823 0233 • fax 612 823 4950 • www.aaharchitecture.com

Issue Date:

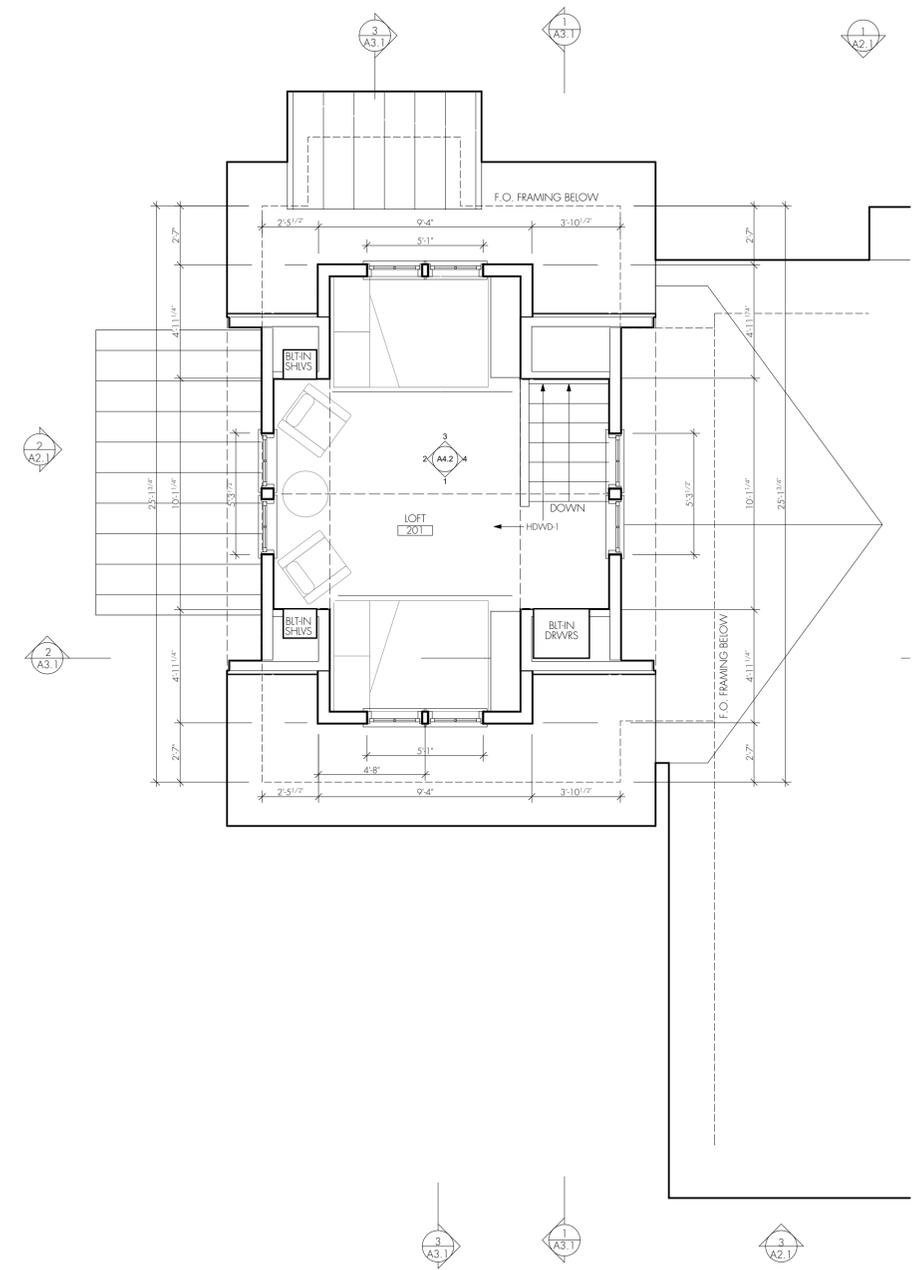
DD1 MEETING	09/12/14
DD2 MEETING	09/29/14
DD PRICING	10/10/14
VARIANCE APPLICATION	08/12/15

DESIGN DEVELOPMENT  
PLANS

A1.1



1 MAIN LEVEL PLAN  
SCALE: 1/4" = 1'-0"



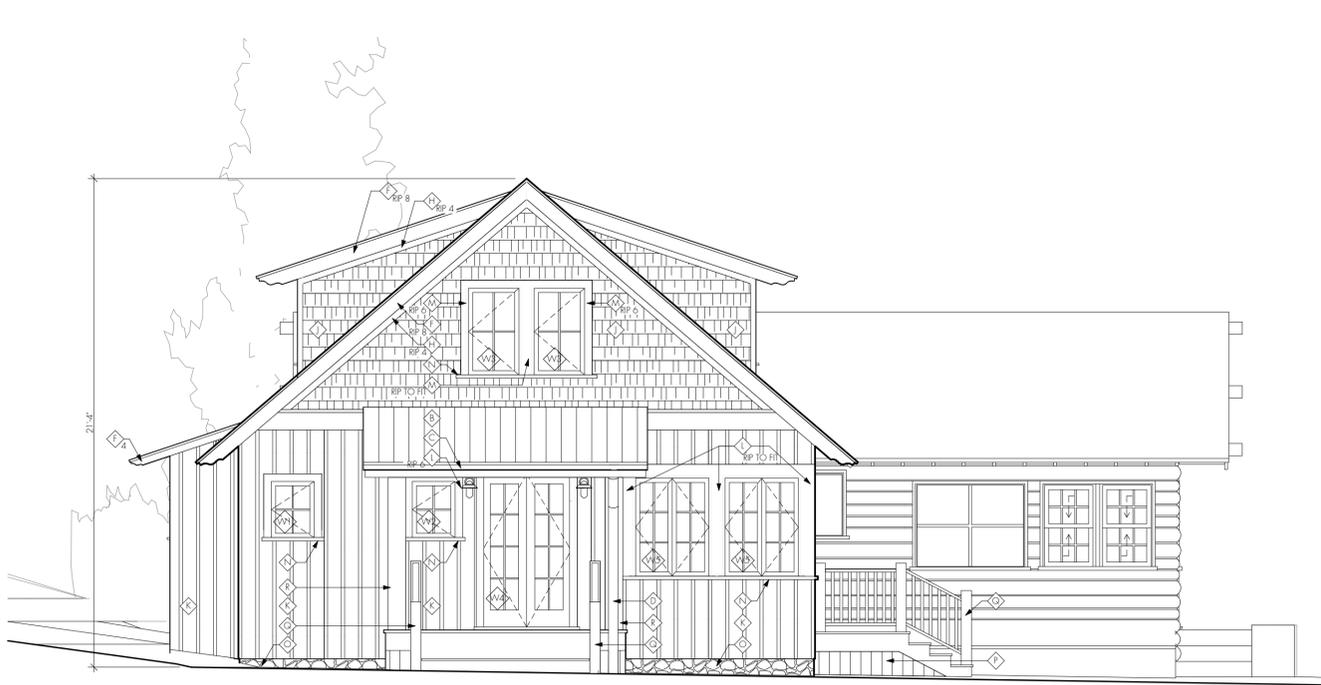
2 SECOND LEVEL PLAN  
SCALE: 1/4" = 1'-0"

GENERAL NOTES:  
1. GENERAL CONTRACTOR TO VERIFY & COORDINATE WITH ARCHITECT ALL FINAL EXTERIOR FINISH SELECTIONS.  
2. GENERAL CONTRACTOR TO COORDINATE & INSTALL ALL BLOCKING NECESSARY FOR SECURE ANCHORING OF EXTERIOR FINISHES.  
3. ALL DIMENSIONS ARE TO FACE OF FRAMING, U.N.O.  
4. VERIFY AND COORDINATE ALL FINAL EQUIPMENT CASEWORK, FINISH, FIXTURE & DEVICE SELECTIONS WITH ARCHITECT. COORDINATE & PROVIDE BULKING FOR SECURE ANCHORING OF EQUIPMENT, CASEWORK, FINISHES, FIXTURES & DEVICES.  
5. E.O. ON INTERIOR DOORS IS 2" LARGER THAN THE DOOR SIZE (I.E. A 2'-4" DOOR WILL BE SHOWN AS 2'-6" R.O.)

LEGEND:  
 EXISTING WALLS TO REMAIN  
 NEW WALL CONSTRUCTION

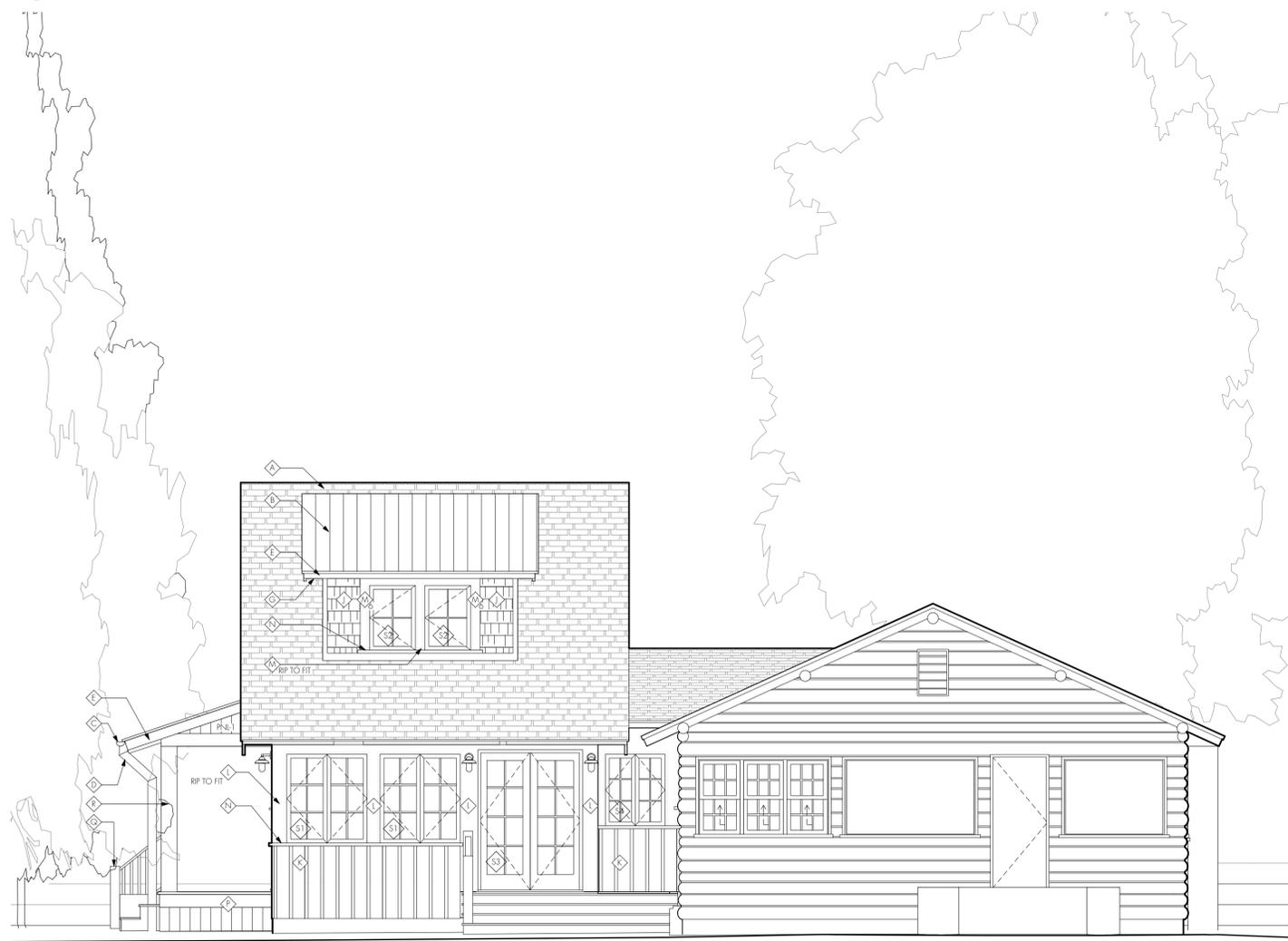


1 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

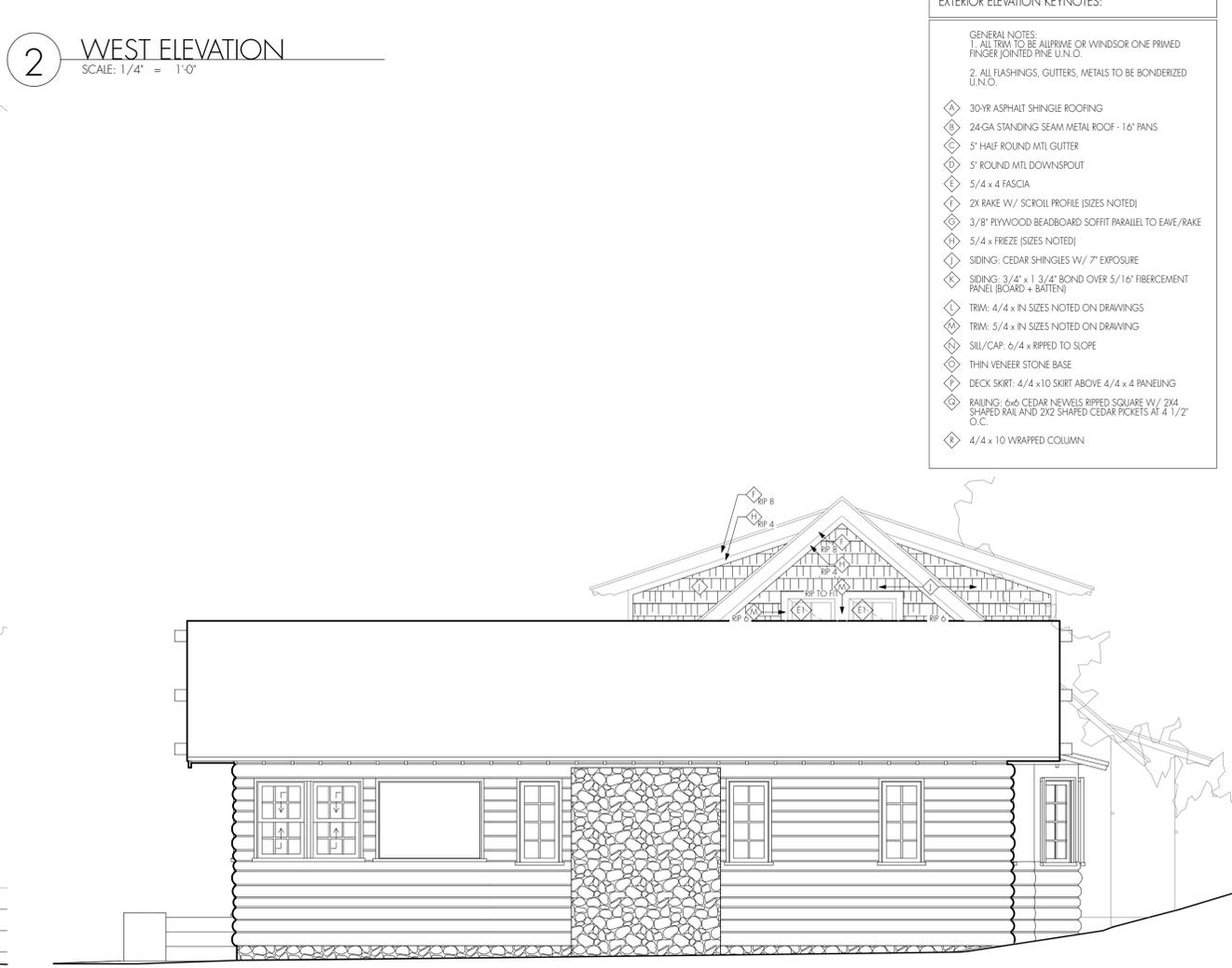


2 WEST ELEVATION  
SCALE: 1/4" = 1'-0"

- EXTERIOR ELEVATION KEYNOTES:
- GENERAL NOTES:  
1. ALL TRIM TO BE ALL-PINE OR WINDSOR ONE PRIVED FINISER JOINTED PINE U.N.O.  
2. ALL FLASHINGS, GUTTERS, METALS TO BE BONDERIZED U.N.O.
- ◇ 30-YR ASPHALT SHINGLE ROOFING
  - ◇ 24-GA STANDING SEAM METAL ROOF - 16" PANS
  - ◇ 5" HALF ROUND MTL GUTTER
  - ◇ 5" ROUND MTL DOWNSPOUT
  - ◇ 5/4 x 4 FASCIA
  - ◇ 2X RAKE W/ SCROLL PROFILE (SIZES NOTED)
  - ◇ 3/8" PLYWOOD BEADBOARD SOFFIT PARALLEL TO EAVE/RAKE
  - ◇ 5/4 x FRIEZE (SIZES NOTED)
  - ◇ SIDING: CEDAR SHINGLES W/ 7" EXPOSURE
  - ◇ SIDING: 3/4" x 1 3/4" BOND OVER 5/16" FIBERCEMENT PANEL (BOARD + BATTEN)
  - ◇ TRIM: 4/4 x IN SIZES NOTED ON DRAWINGS
  - ◇ TRIM: 5/4 x IN SIZES NOTED ON DRAWING
  - ◇ SILL/CAP: 6/4 x RIPPED TO SLOPE
  - ◇ THIN VENEER STONE BASE
  - ◇ DECK SKIRT: 4/4 x 10 SKIRT ABOVE 4/4 x 4 PANELING
  - ◇ RAILING: 6x6 CEDAR NEWELS RIPPED SQUARE W/ 2X4 SHAPED RAIL AND 2X2 SHAPED CEDAR PICKETS AT 4 1/2" O.C.
  - ◇ 4/4 x 10 WRAPPED COLUMN



3 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



4 EAST ELEVATION  
SCALE: 1/4" = 1'-0"

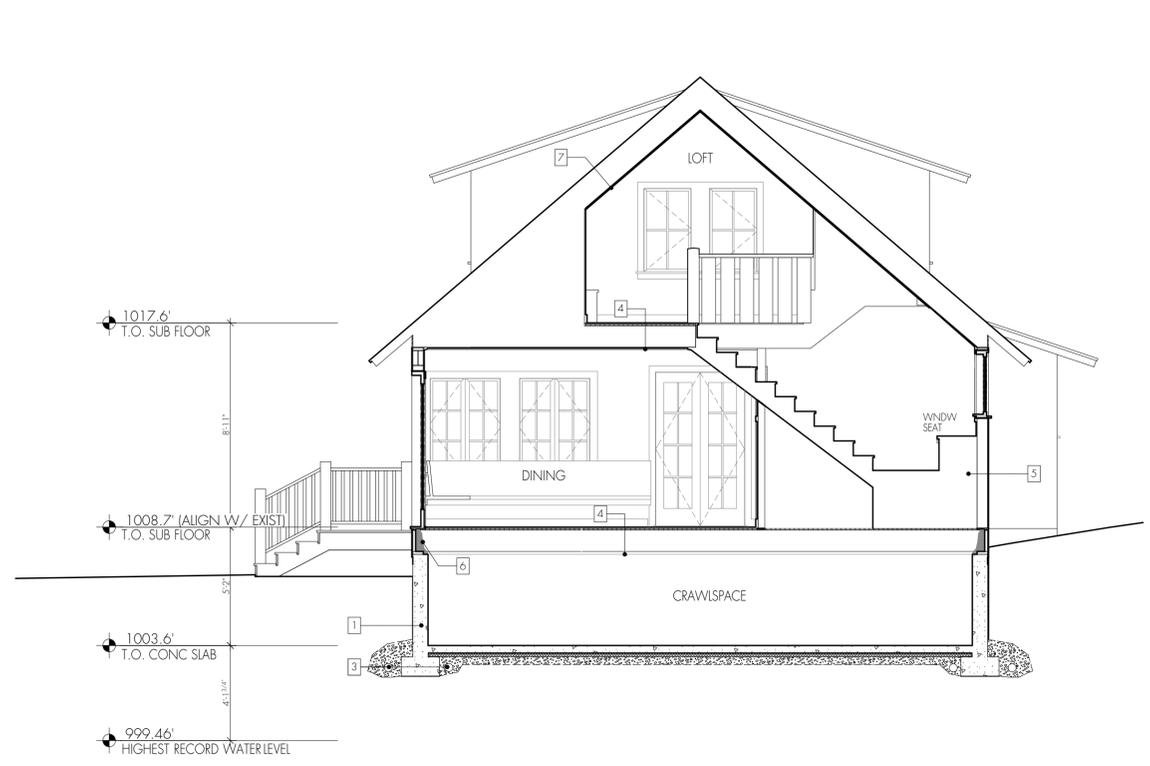
HACE REMODELING  
8503 76th St NW Annandale, MN 55302

Issue Date:

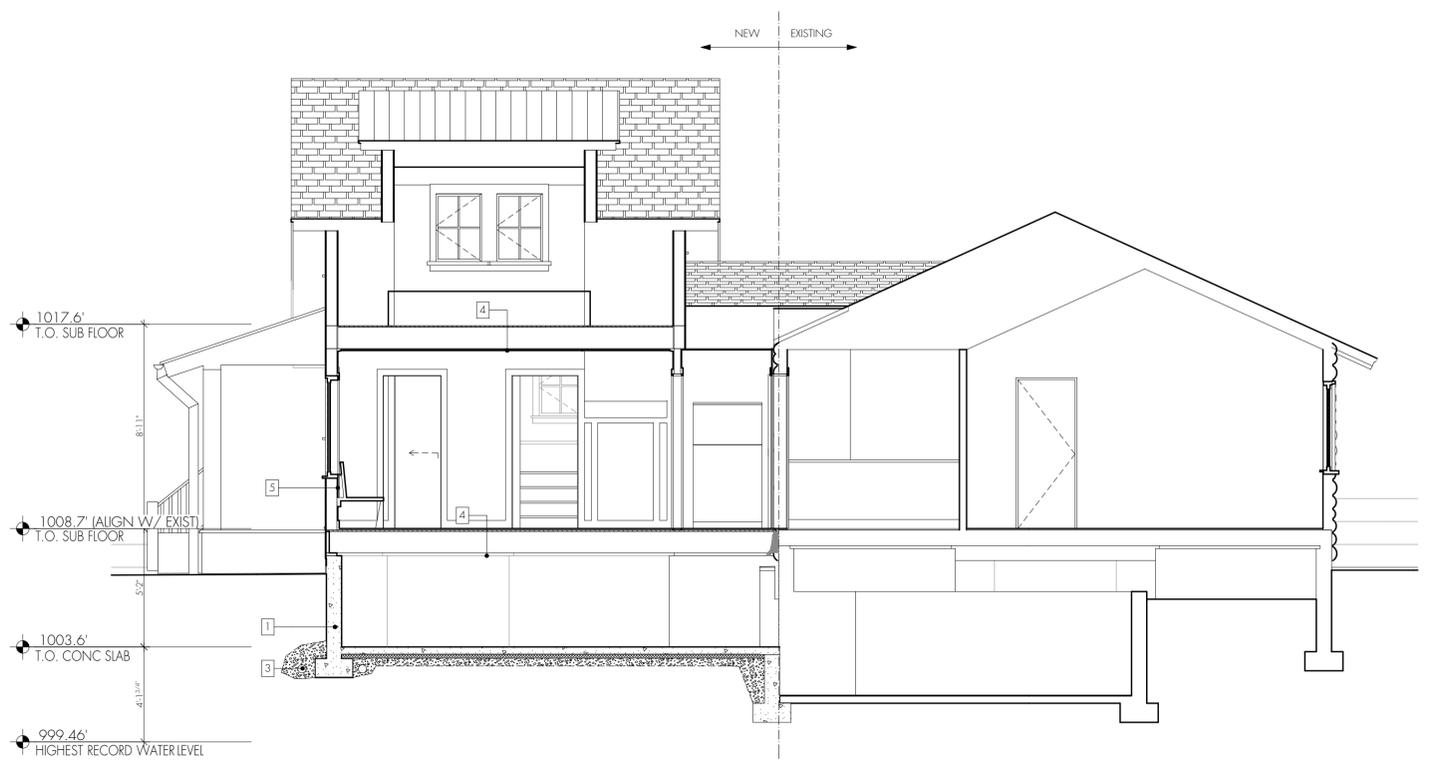
DD1 MEETING	09/12/14
DD2 MEETING	09/29/14
DD PRICING	10/10/14
VARIANCE APPLICATION	08/12/15

DESIGN DEVELOPMENT  
SECTIONS

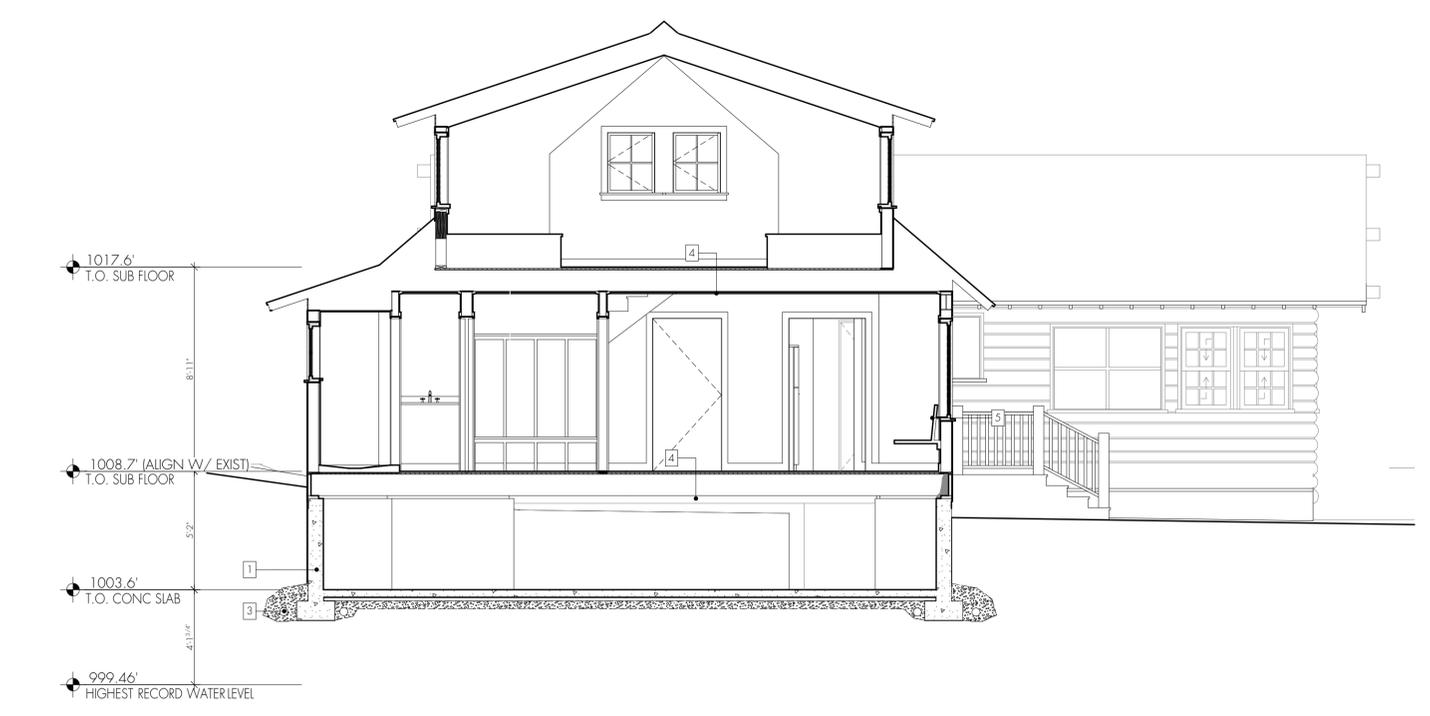
A3.1



1 SECTION LOOKING WEST  
SCALE: 1/4" = 1'-0"



2 CROSS SECTION LOOKING NORTH  
SCALE: 1/4" = 1'-0"



3 SECTION LOOKING EAST  
SCALE: 1/4" = 1'-0"

- BUILDING SECTION KEYNOTES:**
- 1 TYPICAL FOUNDATION WALL:
    - FREE DRAINING BACKFILL
    - SPRAY ON FOUNDATION WATER PROOFING - TREMCO WATCHDOG H3 OR APPROVED EQ.
    - CONCRETE FOUNDATION WALL WITH CAPILLARY BREAK AT FOOTING (SEE STRUCTURAL)
    - 2" FOIL FACED POLY ISO RIGID INSULATION, R=13 TAPED AND SEALED
  - 2 TYPICAL SLAB ON GRADE:
    - CONCRETE SLAB ON GRADE (SEE STRUCTURAL)
    - 6 MIL VAPOR RETARDER, TAPED & SEALED
    - 2" YES RIGID INSULATION, R=10
    - 4" GRANULAR BASE (NO FINES)
    - UNDISTURBED SOIL OR COMPACTED FILL AS REQ'D (SEE STRUCTURAL)
  - 3 TYPICAL INTERIOR/EXTERIOR DRAINAGE AT NEW CONSTRUCTION:
    - 4" PERFORATED DRAIN PIPE
    - 3/4" WASHED ROCK DRAINAGE BED
    - FILTER FABRIC WRAP
    - PUMP OR DRAIN TO DAYLIGHT
  - 4 TYPICAL RAISED FLOOR:
    - FLOOR FINISH PER SCHEDULE
    - 3/4" PLYWOOD SUBFLOOR PER STRUCTURAL
    - FLOOR STRUCTURE - SEE STRUCTURAL
    - BLOCKING AS REQ'D FOR FINISHES AND EQUIPMENT
    - CEILING FINISH PER SCHEDULE
  - 5 TYPICAL WOOD FRAMED EXTERIOR WALL:
    - EXTERIOR TRIM/SOILING PER EXTERIOR ELEVATIONS
    - TYVEK STUCCO WRAP WEATHER RESISTANT BARRIER, TAPED AND SEALED
    - PLYWOOD SHEATHING, SEALED, SEE STRUCTURAL
    - 2x6 WALL FRAMING AND STRUCTURE PER STRUCTURAL
    - FULL OPEN CELL SPRAY FOAM INSULATION, R=24
    - 6 MIL CERTAINTED MEMBRAN VAPOR RETARDER OR VAPOR RETARDER PAINT
    - BLOCKING AS REQUIRED FOR FINISHES AND FIXTURES
    - WALL FINISH PER INTERIOR ELEVATIONS AND SCHEDULES
  - 6 TYPICAL RIM JOIST/HEAL:
    - CLOSED CELL SPRAY FOAM, R=24
  - 7 TYPICAL INSULATED ROOF:
    - ROOFING AS SCHEDULED
    - BUILDING PAPER SIP SHEET AT METAL ROOF
    - ICE AND WATER SHIELD INSTALLED PER MFR INSTRUCTIONS AT RIDGES, EAVES AND DORMER WALLS. EXTEND 2" OR BEYOND INSIDE OF EXTERIOR WALL.
    - 30# ASPHALT FELT
    - PLYWOOD ROOF SHEATHING - SEE STRUCTURAL
    - FULL OPEN CELL SPRAY FOAM INSULATION, R=30
    - 6 MIL CERTAINTED MEMBRAN VAPOR RETARDER, TAPED AND SEALED OR VAPOR RETARDER PAINT
    - BLOCKING AS REQUIRED FOR FINISHES AND FIXTURES
    - CEILING FINISH AS SCHEDULED